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LETTER DATED 11 AUGUST 1994 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the report presented in El Salvador on 28 July 1994 by the Joint Group for the Investigation of Politically Motivated Illegal Armed Groups.

As you are aware, in November 1993, gravely concerned by the assassination of several political leaders in El Salvador, I instructed the Director of the Division of Human Rights of the United Nations Observer Mission in El Salvador (ONUSAL) to assist the Government in implementing the recommendations of the Commission on the Truth regarding the investigation of illegal groups (S/26689). As a result of this initiative, the Joint Group, composed of the National Counsel for the Defence of Human Rights, the Director of the Division of Human Rights of ONUSAL and two representatives of the Government of El Salvador nominated by the President, was established on 8 December 1993 (S/26865).

The creation of the Joint Group was endorsed by the Security Council (S/26695, S/26886) and the Council requested me to keep it informed of developments on this matter.

The Joint Group conducted investigations throughout the first half of 1994. At the end of May, the members of the Group requested that their six-month mandate be extended by a further two months, that is until 31 July 1994, in order to allow them sufficient time to follow up on their findings and to begin planning procedures for the transfer of unfinished investigations to the appropriate national institutions. This extension was agreed to by the President of El Salvador and by myself.

The attached report contains the Joint Group's findings regarding politically-motivated violence in El Salvador and its recommendations for the strengthening of the investigative structures of the new National Civil Police and for appropriate reforms within the judicial system. In addition to this report, the Joint Group has made available to the Salvadorian authorities, to the National Counsel for the Defence of Human Rights and to ONUSAL, a Restricted Annex of evidence which requires further investigation. Now that the authorities are in possession of this information, it is my strong conviction that efforts to investigate and eradicate illegal armed groups should continue

as a necessary prerequisite for the consolidation of peace and democracy in El Salvador.

I should be grateful if you could bring this information to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

[Original: Spanish]

Annex

Letter dated 28 July 1994 from the Joint Group for the Investigation of Politically Motivated Illegal Armed Groups addressed to the Special Representative of the Secretary-General for El Salvador and Chief of Mission of ONUSAL

We officially deliver herewith the Final Report of the Joint Group for the Investigation of Politically Motivated Illegal Armed Groups, in compliance with your mandate of 8 December 1993.

(Signed) Carlos Mauricio MOLINA FONSECA (Signed) Juán Jerónimo CASTILLO

(Signed) Diego GARCÍA SAYÁN

REPORT OF THE JOINT GROUP FOR THE INVESTIGATION OF POLITICALLY MOTIVATED ILLEGAL ARMED GROUPS IN EL SALVADOR

San Salvador, 28 July 1994

IN MEMORIAM

to Dr. José Leandro Echeverría

with whom we began this joint effort

and who passed away during

the process of preparing

this report.

I. INTRODUCTION

1. GENERAL BACKGROUND OF THE FORMATION AND ACTION OF THE JOINT GROUP

A. BACKGROUND AND RECOMMENDATIONS PRIOR TO THE FORMATION OF THE JOINT GROUP

(a) Peace Accords

The peace process in El Salvador sought not only to put an end to the armed conflict. With the accords, the Government and the Frente Farabundo Martí para la Liberación Nacional (FMLN) laid the foundations for the democratization of the country, social reconciliation and the modernization of the State.

With a view to the achievement of these aims, the accords called for a series of reforms in the political, administrative and juridical institutions of the State. At the same time, they created national agencies of a temporary character for the purpose of ensuring the performance of the obligations deriving from the pacification process.

This is the context that gave rise to the National Commission for the Consolidation of Peace (COPAZ) as a national agency for the supervision of compliance with the Peace Accords, made up of representatives of all the political forces in the country.

Also, an Ad Hoc Commission was set up, charged with purging the armed forces. Its task consisted basically in evaluating the conduct of members of the armed forces during the conflict and identifying those who had been responsible for violations of human rights. By the same token, the Commission was to establish the bases for redefining the doctrine of the armed forces within the framework of the rule of law and the democratic system.

In addition, the Peace Accords established a presence of the international community for the purpose of verifying compliance with the obligations undertaken by the parties. It was for that purpose that the United Nations Observer Mission in El Salvador (ONUSAL) was set up.

Similarly, a commission was set up to investigate the grave violations of human rights that occurred in the country starting in 1980.

(b) The Commission on the Truth

The Commission on the Truth was made up of three persons designated by the Secretary-General of the United Nations after hearing the opinions of the parties, as established in the Mexico Agreements. Its mandate was to contribute to the clarification of the human rights violations that shook Salvadorian society during the armed conflict.

The Commission, which worked during a period of six months, delivered its public report to the Government of El Salvador, FMLN and the Secretary-General of the United Nations. Compliance with the recommendations included in the report, as stipulated, is compulsory for the parties.

In the final report, the Commission on the Truth included a chapter on the death squads in which it stated that it had received a considerable number of reports of acts of violence perpetrated by groups of that nature, including threats, torture, kidnapping, forced disappearances and arbitrary executions, which took place from 1980 to 1992.

The Commission on the Truth expressed the difficulties which, owing to lack of time, it encountered in establishing the links between various social sectors and the death squads. Nevertheless, it reiterated the participation of members of the armed forces and State civil servants in the operation of the death squads. In addition, it drew attention to the danger that might lie in the fact that former civil defence members might continue to be armed in rural areas, as well as in the illegal use of the intelligence services of the security forces and the armed forces.

The defective operation of the judicial system resulted in the impunity of the members and promoters of the death squads in El Salvador. In its conclusions, the report pointed out the danger of a possible connection between the death squads and organized crime.

Finally, the report of the Commission on the Truth recommended that a special investigation of the death squads should be carried out by national institutions with the collaboration and assistance of foreign agencies.

B. RESURGENCE OF VIOLENCE IN 1993

A series of acts of violence that occurred during the second half of 1993 altered the growing climate of peace that the country had been experiencing since the signing of the Accords.

The assassination of political leaders of FMLN and ARENA warned of the possible reactivation of the so-called "death squads", pointing up the fragility of the peace process and the need to control violence.

The Director of the Division of Human Rights of ONUSAL, who in his reports to the Secretary-General had been drawing attention to the growing number of arbitrary executions and the presence of illegal armed groups, reported that during the final months of 1993 the human-rights situation had seriously deteriorated. The National Counsel for the Defence of Human Rights, in his third report to the Nation, dated 1 October 1993, had called attention to the problem of violence in the political sphere, proposing the creation of a commission to investigate that subject.

Faced with this situation, the Government of El Salvador created an Interinstitutional Commission bringing together the State organs competent to investigate criminal acts, the aim of which was to go in depth into the investigations concerning the attempts against top-ranking political leaders. The work of that group did not yield the results hoped for by the Government.

The Secretary-General of the United Nations, in a letter dated 3 November 1993 (S/26689) addressed to the Security Council, stated that the Director of the Division of Human Rights had noted that politically-motivated human rights violations had become more open. The Secretary-General also recalled that, in his report on the recommendations of the Commission on the Truth (S/26581 of 14 October 1993), he had expressed his concern that there might exist illegal armed

groups "whose methods seem repeat behavioural patterns prevailing in the past" (paragraph 32).

On the basis of the reflections summarized above, the Secretary-General communicated to the Security Council that he had decided "...to instruct the Director of the Division of Human Rights of ONUSAL, with supplementary expert assistance as needed, to work with those concerned in order to assist the Government in implementing the recommendation of the Commission on the Truth that a thorough investigation of private armed groups be undertaken immediately. While the responsibility for implementation of that recommendation lies with the Government, it is my view that the National Counsel for the Defence of Human Rights, within its responsibilities under the Constitution, could also play an important role."

In a subsequent report to the Security Council, dated 23 November 1993 (S/26790), the Secretary-General reiterated the need to press the investigation mentioned above. He also stated that as of 20 November no agreement had yet been reached with the Government regarding the necessary arrangements, though he noted that progress had been made toward an agreement. 1/

2. COMPOSITION AND MANDATE OF THE JOINT GROUP FOR THE INVESTIGATION OF POLITICALLY MOTIVATED ILLEGAL ARMED GROUPS

A. FORMATION AND MANDATE OF THE JOINT GROUP

Considering the recommendations made by the Commission on the Truth, the resurgence of violence during 1993 and the consensus of the signatories to the Peace Accords, an agreement was reached with United Nations mediation on the creation of a joint group for the purpose of assisting the Government of El Salvador in discovering the existence of politically motivated illegal armed groups, which since the signing of the Peace Accords on 16 January 1992 had been jeopardizing the peace process.

1/ The Secretary-General was referring to the results obtained by the mission led by Under-Secretary-General Marrack Goulding, who was present in El Salvador from 8 to 15 November 1993. Mr. Goulding held broad discussions with all those concerned and considerable progress was achieved with a view to an agreement on the principles for the establishment of a Joint Group for the investigation of politically motivated illegal armed groups. Within the framework of those discussions, he made official the proposal to the National Counsel for the Defence of Human Rights to become a part of the said Joint Group. After asking the opinion of political and social circles, the National Counsel agreed to participate in the group for the sake of preventing violations of human rights. In subsequent consultations it was agreed that the members of the Joint Group would be two independent representatives of the Government of El Salvador nominated by the President of the Republic, the National Counsel for the Defence of Human Rights and the Director of the Division of Human Rights of ONUSAL.

The principles for the establishment of the Joint Group state the following: "The Joint Group will have its own institutional identity and its purpose will be to assist the Government in applying the recommendation of the Commission on the Truth with respect to carrying out an in-depth investigation into illegal armed groups. The definition of illegal armed groups will be that of the phenomenon described in the recommendations of the Report of the Commission on the Truth." 2/

The Joint Group was to be composed of the National Counrel for the Defence of Human Rights, a representative of the Secretary-General of the United Nations and two representatives of the Government of El Salvador.

Ths Group was established on 8 December 1993, after agreement was reached on the principles were to govern the action of the Joint Group. 3/

The Joint Group was constituted with the following faculties:

(a) To organize, conduct and supervise a technical team composed of Salvadorian and foreign investigators of renowned competence, impartiality and respect for human rights;

(b) To present a report to the President of the Republic and to the Secretary-General of the United Nations which will include conclusions and recommendations and the reports received from the technical team. The report of the Joint Group will be public." 4/

The principles agreed on for its establishment state: "The Joint Group and the technical team will have no jurisdictional functions and will work within a framework which will be:

(a) Autonomous;

(b) Impartial and apolitical;

(c) Confidential, except when criminal acts committed by individuals or groups are uncovered. In these cases, information regarding these criminal acts will be immediately referred to the attention of the Public Prosecutor, who will carry out the appropriate investigation. 5/

The Joint Group was composed of the following persons:

2/ Principles for the Establishment of a Joint Group for the Investigation of Politically Motivated Illegal Armed Groups. See text of Principles in Annex 1.

3/ Ibid.

4/ Ibid.

5/ Ibid.

(a) Two representatives of the Government of El Salvador nominated by the President, namely José Leandro Echeverría 6/ and Juan Jerónimo Castillo, both practising attorneys. The nominations, moreover, were approved by the National Counsel for the Defence of Human Rights;

(b) The National Counsel for the Defence of Human Rights, Carlos Mauricio Molina Fonseca, who, by virtue of the responsibilities and attributions belonging to him under the Constitution, must be a member of the Group;

(c) The Director of the Division of Human Rights of ONUSAL, Diego García-Sayán, as personal representative of the Secretary-General.

B. NATURE, SCOPE AND LIMITATIONS OF THE INVESTIGATION BY THE JOINT GROUP

1. According to the mandate of the Joint Group, the phenomenon to be investigated was that of illegal armed groups as defined in the Report of the Commission on the Truth. The investigation will cover the activity of such groups starting 16 January 1992.

2. In the section of the report entitled "The death squad pattern", the Commission states: "The members of such groups usually wore civilian clothing, were heavily armed, operated clandestinely and hid their affiliation and identity", adding: "The death squads, in which members of State structures were actively involved or to which they turned a blind eye, gained such control that they ceased to be an isolated or marginal phenomenon and became an instrument of terror used systematically for the physical elimination of political opponents." 7/

3. Among the findings set forth in the said section, the Commission on the Truth refers to a number of aspects of the phenomenon that constitute relevant factors for the forming of any judgment which, owing to their prospective character, must be included in the terms of reference of the investigation:

(a) The links between the armed forces and/or civilian officials and the activities of the death squads;

(b) The existence of a structural connection between the death squads and certain State bodies, and the "particular cause for concern" represented by "the fact that there are hundreds of former civil defence members in rural areas who are still armed";

(c) Participation by the intelligence services in the activities of the death squads: "Any investigation must result both in an institutional clean-up of the intelligence services and in the identification of those responsible...";

(d) The need to clarify "the links of some private businessmen and moneyed families to the funding and use of death squads";

6/ Dr. José Leandro Echeverría died on 11 July 1994, during the mandate of the Joint Group.

7/ Report of the Commission on the Truth, p. 131.

(e) The threat that, "given their organizational structure and the fact that they possess weapons, there is a serious danger that the death squads may become involved, as has happened in some cases, in illegal activities such as drug trafficking, arms trafficking and abductions for ransom." 8/

4. In addition, in its recommendations the Commission states: "One of the most horrendous sources of the violence which swept the country in recent years was the activity of private armed groups which operated with complete impunity. All necessary measures must be taken to ensure that they are disbanded. Given the country's history, prevention is essential in this area." 9/

5. Within this perspective, the investigation of the Joint Group focused on private armed groups bearing the stamp of death squads. In recent months, however, as a consequence of divers and complex factors arising from the end of the conflict, there have also emerged armed groups that cannot be assimilated to death squads, yet clearly present a threat to the stability of the country and the effective exercise of human rights. The investigation also covered those groups, whose actions affect public security and whose structure and modes of operation might easily turn toward politically motivated criminal activities.

C. DURATION AND AREAS OF INVESTIGATION

In a manner consistent with its frame of reference, the investigation covered the following interrelated areas:

1. Background: Examination of documents and taking of evidence regarding past events, prior to the date covered by the mandate of the Joint Group;

2. Investigation of existing illegal groups;

3. Investigation of cases of corroborated human rights violations characterized by signs, acts or evidence of political motivation or modalities of crime characteristic of death squads. In addition to the direct investigation of cases, work was done with a sampling of cases substantiated by the National Counsel for the Defence of Human Rights and by ONUSAL;

4. Investigation of the institutional structures of the State and their possible link to activities of private armed groups.

To carry out its work, the Joint Group had the financial cooperation of the international community, through the United Nations, which enabled it to employ a technical team composed of human-rights and police investigators, analysts, advisers to the members of the Joint Group, and administrative management support staff. The staff was coordinated by the Executive Secretary, who acted as liaison between the members of the Joint Group and the technical team.

The Joint Group set up its offices on 1 February 1994, after an effort that included the obtainment of funds, the selection of staff and physical installation of the facilities necessary for the proper performance of the task. On 31 May 1994, the scheduled date of conclusion of the work of the Joint Group,

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8/ Ibid., 137-138.

9/ Ibid., p. 180.

the Government of El Salvador and the Secretary-General of the United Nations extended the mandate of the Joint Group to 31 July 1994.

3. METHODOLOGY FOR INVESTIGATING POLITICALLY MOTIVATED ILLEGAL ARMED GROUPS

1. The Joint Group established on 8 December 1993 began its tasks of management, analysis and planning on the very day on which it was established, while the technical team was gradually set up starting 1 February 1994.

In the course of the work, the Joint Group and the Executive Secretary received detailed information on the investigations carried out by the technical team. All information and the progress of the investigations were treated with strict confidentiality.

2. Calls were sent out via the mass media to the people and to local and international institutions to provide information on the possible existence of politically motivated illegal armed groups. The people were made aware that the information provided represented an important contribution to the peace process, and the confidentiality of all information was stressed. All information received was analysed, sorted and processed in the project data bank.

3. With a view to tackling the problem posed and to achieving the internal organization of the executive team of the Joint Group for the Investigation of Politically Motivated Illegal Armed Groups, the following four working areas were defined:

A. Background: Under this heading, an outline was prepared concerning what during the conflict in El Salvador were referred to as the "death squads" as well as other illegal armed groups. The objective was to establish their operating frameworks, ideological features, sources of financing, structures and areas of operation. The study of the background also permitted an analysis of the possible survival of those groups and changes in their original structure since the signing of the Peace Accords.

B. Illegal armed groups existing at present: The recommendations of the Commission on the Truth and the climate of growing political violence during the months immediately preceding the formation of the Joint Group strengthened the hypothesis that there currently existed politically motivated illegal armed groups.

C. Sampling of cases of human rights violations verified by the National Counsel for the Defence of Human Rights and ONUSAL. A study was made of cases verified by these two institutions and involving the proven existence not only of a violation of human rights, but also of organized, armed groups operating illegally and having political motivations and/or serious political repercussions.

D. Investigation of the institutional structures of the State and their possible link to activities of illegal armed groups. An analysis was made of cases and situations of human rights violations and possible acts of illegal armed groups in which the State might have held some responsibility, be it by commission or omission, through illegal activities of officials in the exercise or abuse of the powers vested in them.

II. BACKGROUND

It is essential to pause to examine the earlier history of the activities of politically motivated illegal armed groups in the country if we are to arrive at a correct approach to the phenomenon.

Quite obviously, for Salvadorian society the existence of groups of this nature is not something new. The mere mention of them gave rise in the past, and still gives rise today, to a feeling of insecurity, dread and mistrust that must be definitively eradicated in order for the peace process to be consolidated and for a climate of democratic coexistence to be established. This, therefore, is a vital point within the social structure that must, finally, be exorcised by means of appropriate mechanisms for banishing recourse to violent methods of handling political differences.

In view of the information received from different sources by the Joint Group, one can conclude that there exist serious indications that persons reported earlier as active members, organizers or sources of financing of what were known in the past as "death squads" are currently involved in acts of political violence. The seriousness of this finding calls for extreme prudence in the handling of such information, inasmuch as the Joint Group considers that the data in its possession do not, for the present, have the force of full evidence that would make it possible to point to specific responsibilities.

Nevertheless, based on an overall view of the information collected in the various areas in which the Group carried out its investigatory work, one can reasonably pose a series of unanswered questions regarding events in the present which point up, once again, the need to consider information on the activities of the illegal structures in question, prior to the signing of the Peace Accords.

It is essential to be familiar with the processes of development of the illegal groups under investigation, and at the same time, with the changes in political conditions prevailing in the country. The point is not to elaborate a "history of death squads", but to focus attention on the course that those structures have followed and their operating capacity, projected into the present. The Joint Group carried out its investigations on the basis of the work of the Commission on the Truth, the documentation recently declassified by the Government of the United States, and a number of confidential sources.

On the basis of this information, the Joint Group expresses its conviction that the activities of those illegal groups were directed politically, economically and operatively since 1979 by a powerful group of civilians and militaries who established the ideological framework and the agenda of the "dirty war". Invoking reasons of an ideological nature, this group acted clandestinely, its operations including murder, sabotage, kidnapping, attempted coups d'état and other criminal activities.

1. SYNOPSIS OF THE INFORMATION ANALYSED BY THE JOINT GROUP

1.1. Introduction

The specific objective of the work done on the background of politically motivated illegal armed groups was to establish the operating frameworks, political and ideological features, sources of financing, structures and areas of operation of those groups during the final years of the conflict, in other words, the stage preceding the period covered by the mandate of the Joint Group.

Within the universe of sources dealt with, special attention should be drawn to the taking of confidential evidence in El Salvador and the United States and the examination of documents declassified by the Government of the United States in November 1993, which included reports of the CIA, the State Department and the Defense Department relating to the cases investigated by the Commission on the Truth. This material covers the period from 1979 to 1992.

Regarding the "declassified documents", there is abundant information pertaining to the structures and operations of the so-called "death squads" during the 1980s and up to 1991. The Joint Group, however, feels that it is not possible to attribute to this documentation the value of sufficient evidence or full evidence, due to the fact that it is based in many cases on reports that to not offer the necessary foundation to permit the pronouncement of categorical judgments.

1.2. Brief description of some aspects of the activities of politically motivated illegal armed groups in El Salvador

The origins and development of the politically motivated illegal armed groups in the country can be found in the historical social conflict of the last decades, especially beginning in the 1930s.

The Commission on the Truth, in its report, situated the origins of what are known as the "death squads" even earlier in time, referring to "a long history of violence committed by groups that are neither part of the Government nor ordinary criminals." 10/ The Commission further stated: "Violence has formed part of the exercise of official authority, directly guided by State officials", 11/ adding that the causes of the "death squad" phenomenon were deep-seated. "In the past 150 years, a number of uprisings by peasants and indigenous groups have been violently suppressed by the State and by civilian groups armed by landowners". 12/

After the crushing of a peasant rebellion in 1932, groups of landowners began to organize to defend their interests. The so-called "civic guard" was structured and financed by large landowners for the purpose of collecting information and controlling the peasants under a paramilitary structure. 13/

In the 1960s, within the Guardia Nacional structures were formed that were linked to or enclaved within State institutions and subsequently, in the 1980s, associated with the death squads. The following organizations came into being

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10/ Report of the Commission on the Truth, p. 132.

11/ Ibid.

12/ Ibid.

13/ CIA, El Salvador: Controlling Right-Wing Terrorism, February 1985.

in this way: the Organización Democrática Nacionalista (ORDEN) 14/ and the Salvadorian national security agency (ANSESAL). 15/

Concerning ORDEN and ANSESAL, the Commission on the Truth states: "These institutions helped consolidate an era of military hegemony in El Salvador, sowing terror selectively among alleged subversives identified by the intelligence serices". The Commission concluded: "In this way, the army's domination over civilian society was consolidated through repression in order to keep society under control". 16/

1.3. Financing

The activities of the so-called "death squads" reached their peak after the coup d'état of 1979. During the years that followed, their operations underwent a dramatic increase. In 1982, for example, corpses with their fingers tied behind were found in the streets every day.

Numerous persons both within and outside the security bodies directed and carried out the operations of the "death squads".

According to the documentation studied by the Joint Group, the activities of the "death squads" appear to have been financed since 1979 through a variety of mechanisms: Government security offices, abductions for ransom and contributions by moneyed members of the oligarchy, both within the country and abroad. Financing and support for the activities of the "death squads" came from moneyed members of the Salvadorian oligarchy residing in Miami or Guatemala. 17/ It is also mentioned that those structures had support from rightist individuals in

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14/ ORDEN primarily provided intelligence service, collecting information, with a presence in every municipality, canton and community, reporting and taking direct action against enemies of the regime, whether really so or simply suspected. Its members acted in close connection with the security forces. This organization was officially dissolved by the Revolutionary Government Junta (JRG) in 1979. Many of its members were incorporated into new organizations with similar objectives. In an analysis of information obtained from intelligence activities, the CIA commented on this reality: ORDEN, dissolved in 1979, remains generally intact, with many of its former members now in the territorial service and civil defence... militias directed by the armed forces that provide local security in rural areas and tactical intelligence to the military.

15/ ANSESAL, the successor to the Salvadorian national security agency, functioned as a political information centre on individuals and organizations suspected of being subversive. It was the information analysis and processing centre. The Agency, too, was dismantled by the Revolutionary Government Junta in 1979. The fact that the fate of its members is not yet known precisely and publicly has constituted grounds for concern on the part of certain agencies and personalities.

16/ Report of the Commission on the Truth, chapter IV, Section D.

17/ CIA, 4 March 1981.

Argentina, Venezuela, Mexico and other Latin American countries, as well as organizations such as the World Anti-Communist League. 18/

The Joint Group received information to the effect that members of the squads were trained in Guatemala and Costa Rica and that as many as 25 members were sent to Venezuela in mid-1982 to receive special training.

According to CIA intelligence information, nearly all the financing for those illegal activities was obtained from outside the country. One report stated that economic support came from members of the elite belonging to the extreme right, mostly living in Guatemala and the United States. 19/

Sources extensively cited in the same declassified documentation even indicated that six wealthy Salvadorians living in Miami, who were financing the death squads in El Salvador, may have ordered the deaths of a Salvadorian labour leader and two United States representatives of AFL-CIO murdered in January 1981. 20/

1.4. Organization

Describing the organizational aspect of the phenomenon of politically motivated illegal armed groups is not an easy task, for one can oversimplify, thus distorting reality. Nevertheless, from the declassified documentation examined by the Joint Group it is possible to extract some objective facts.

Different documents indicate that the "death squads" rarely had more than 20 members in each group and generally operated in groups of 10 or fewer persons. The active membership of the structures ranged from 100 to 200 persons at various points in the period studied.

Basically, the "squads" were not permanent: most of the members had other full-time occupations or offices and met only to plan and carry out terrorist acts. Membership within the rank and file was fluid and sometimes interchangeable, but the leadership was more permanent. The leaders of one group probably knew the leaders of other groups and sometimes carried out joint operations. In general, however, information on membership was secret and any

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18/ State Department, 5 January 1981.

19/ CIA, 4 March 1981.

20/ They were qualified in the documentation as enormously wealthy former landowners who lost large estates during phase I of the agrarian reform but still held sizeable properties in the name of their nieces and nephews, cousins, grandchildren, etc., that might have been confiscated under phase II of the agrarian reform. According to the same sources, those persons also had liquid assets and investments abroad, which, combined, might have totalled from two to five hundred million dollars. The sources state that they have always held the decision-making power in that country and cannot believe that that day is over. Their tactics were simple: co-opt intelligent members of the middle-class, buy off part of the military leadership, and murder anyone causing them too many problems (cable of United States Embassy, 6 January 1981).

person who betrayed the confidence of a given group or his superiors might be executed.

A study of the death squad pattern on the basis of the declassified documentation shows that a considerable portion of its operations involved torturing captured individuals in order to extract information before murdering them. Another common characteristic was the use of "security houses", to which victims were brought for interrogation, torture and death and in which members planned activities and stored weapons.

1.5. Typology

The information obtained and analysed by the Joint Group shows the existence both of groups made up primarily of civilians and of others that acted out of the military sphere and the security bodies.

(a) Civilian groups

The most concrete historical datum on this category is found in the result of the operation which, on 8 May 1980, ended in the capture, on the San Luis estate, of a group of civilians and members of the military accused of participating in a plan to destabilize the country with a coup d'état. Documents constituting evidence of the plot were confiscated at the time of the capture. A list of apparent contacts in units of the armed forces was also found. Members of that group had apparently planned and carried out the assassination of Msgr. Oscar Arnulfo Romero on 24 March 1980. 21/

The nucleus referred to formed a semi-clandestine political organization, the Frente Amplio Nacional (FAN), which gave rise to the self-styled Ejército Secreto Anticomunista (ESA), 22/ a squad that carried on extensive activity during the 1980s. This paramilitary group took part in murders, kidnapping, torture and political intimidation. Its primary targets were members of the revolutionary left and other political parties, chiefly the Christian Democratic Party (PDC).

In the growth of these organizations there were a variety of secret groups that appeared and disappeared. The majority remained nameless and had an ad hoc character, but others were organized in a more permanent form, such as the Brigada Anti-comunista Maximiliano Hernández Martínez. 23/

21/ CIA, Arrest of Rightist coup plotters, May 1980.

22/ CIA, 2 March 1984.

23/ Other quasi-civilian death squads were identified as: Frente Político Anticomunista, Asociación Patriótica Libertad o Esclavitud, Brigadas Proletarias Salvadoreñas, Brigada Anticomunista Salvadoreña, Unión Guerrera Blanca, Escuadrón de la Muerte (EM), Organización para la Liberación del Comunismo, Frente Anticomunista para la Liberación de Centroamérica (FALCA), Mano Blanca, Legión del Caribe.

(b) Groups within security bodies

An analysis of the information on the structure of squads whose members belonged to the armed forces or the police reveals a complex nexus between individuals and units of the security bodies, on the one hand, and the civilian organizations already characterized, on the other. The National Police, the National Guard (GN) and the Treasury Police (PH) were frequently involved in violent killings, torture, kidnapping and disappearances.

A number of sources describe what took place within the National Police. According to them, the National Police had its own squad, with multiple ties to other similar structures. Unlike other squads, during the early 1980s the National Police apparently avoided high-profile operations.

The National Guard has been mentioned more frequently since the beginning of the 1980s. A squad linked to powerful businessmen appears to have operated within it, connected with another group of the extreme right involved in similar activities. Members of this squad were involved in the killings in the Hotel Sheraton in January 1981.

The Treasury Police was also involved in death-squad activities. In material examined by the Joint Group, the Treasury Police was actually described as "beyond any possibility of recovery". 24/

According to the same sources, the intelligence services (S-II) within the security institutions were the focal points par excellence for the planning of death-squad-type operations.

(c) Structures within the armed forces

According to the information analysed, starting from the early 1980s the "death squads" operated within the three security bodies and various sections of the armed forces. Their activities were supported by high-ranking army officers. Officers who obtained posts at the highest level toward the end of the 1980s were deeply involved in such activities. They and other mid-ranking leaders around them were the mentors of a new generation of young officers involved in acts of political violence and other illegal activities.

The First Infantry Brigade played an important role in those acts in the late 1980s, according to abundant references found in the declassified documentation. A number of summary executions were planned and carried out by members of this military corps. Several reports point to the commander of the First Brigade during those years as having been involved in the recruitment, training and possibly deployment of paramilitary-type "death squads".

Concern over the First Brigade was also expressed in documents of the State Department of the United States, particularly regarding the civil defence units that were perceived on a number of occasions as potential centres for death-squad activities. Within this military corps there was, in particular, a specific civil defence unit known as "The Patriotics". This military corps (nicknamed "BMW Brigade") was made up, according to available documentation, of 50 to 60 professionals of the extreme right who received military training from the First

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24/ State Department, [TACHADO] The Soyapango massacre, 11 April 1981.

Infantry Brigade, which had its headquarters in San Salvador. 25/ The unit was not only trained, but also took part in routine patrols and joined in with the Brigade during times of crisis. 26/

On the basis of the sources consulted, the Joint Group considers that the commander of the First Brigade used his unit's training programme for civil defence as a cover for the recruitment, training and possible deployment of death squads. 27/

Grave human rights violations and death-squad activities have also been reported in which members of the air force were involved. It was reported that the air force used its helicopters to eliminate civilians, dropping them in bodies of water or inaccessible areas. 28/ This practice was apparently used at least since April 1988, according to a cable included among the declassified information examined. 29/

(d) Involvement of other State officials in activities of politically motivated illegal armed groups

The documents analysed refer to the official protection enjoyed by members of the "death squads" with respect to possible judicial action or other Government interference. 30/ This guarantee of impunity was first and foremost the result of the political and personal alliances existing between State officials and leaders of illegal groups. Furthermore, it was obvious that public officials refrained form carrying out investigations or instituting legal proceedings. 31/

The declassified documentation emphasizes that a basic problem in El Salvador is fear. People who know about death squad crimes remain silent: no one dares to speak, because it means facing a grave danger. 32/

25/ State Department, 29 October 1990.

26/ Ibid.

27/ Ibid.

28/ State Department, Helicopter Disappearances, 24 May 1989.

29/ Ibid.

30/ CIA, 27 October 1983.

31/ State Department, 3 October 1988.

32/ State Department, 14 December 1983.

The judicial system was subject to acts of intimidation. The judges involved in criminal cases responded more to threats and bribery than to the evidence. They were greatly intimidated by the military and by the FMLN, according to the documents analysed. 33/

Also, the armed forces proved incapable of watching over itself or carrying out any kind of internal investigation. It is a well-known fact that the armed forces never voluntarily turned over any of its officers to be tried before the civil courts. 34/

(e) The death squads and their links to organized crime

In April 1986, evidence came before the public that implicated civilians and military persons in a kidnapping and extortion ring whose modus operandi resembled that used by the death squads. 35/

Following a careful investigation, the National Police, with the support of the FBI and the Venezuelan Police Institute (IVEPO), captured a group of persons that had engaged in kidnapping businessmen from 1983 to 1986 in order to collect large sums of money in exchange for freeing them.

The investigations led to the identification of a number of persons intimately connected with activities of the "squads", some of whom were brought to trial; others are still fugitives. There exist concrete data referring to the role played by high-ranking members of the Judicial Organ in thwarting the normal trial procedure. 36/

33/ State Department, 29 June 1988.

34/ State Department, 2-3 May 1989.

35/ State Department, 2 April 1986.

36/ State Department, 23 April 1986.

III. APPROACH TO THE PHENOMENON INVESTIGATED BY THE JOINT GROUP

1. PRELIMINARY CHARACTERIZATION

1.1. As pointed out in the preceding chapter, it is absolutely essential to refer to the background of the phenomenon of violence for political purposes in El Salvador in order to arrive at a suitable approach to it at the present juncture.

It must be mentioned, however, that the Joint Group feels that there has now taken place a substantial change in the organization and conduct of politically motivated illegal armed groups as compared with what might be defined as the "classic" model of their operations in the country, especially during the 1980s.

At present there exist illegal armed groups that perpetrate summary executions, threats and other politically motivated acts of intimidation. Those groups are formed, financed, directed and supported by a minority of the society. However, they are not easily detectable, owing to the fear that they generate among the population, or because they obey or have the support or tolerance of some agent of the State.

1.2. Changes in internal political conditions as a consequence of the peace process, the presence of the United Nations Observer Mission in El Salvador (ONUSAL) and new needs in the area of financing and security cover are some of the reasons that may have forced those groups to modify their traditional way of operating as a necessary step for maintaining themselves on the new social map.

1.3. The foregoing hypothesis demands an adequate integral analysis of the problem if one is to avoid quick and easy answers to the question of the existence or nonexistence of "death squads" at present, for Such an approach obviously cannot constitute the starting point for examining a universe so difficult to understand.

2. CHANGE IN THE STRUCTURES OF THE PAST

2.1. It is obvious to the Joint Group that there has taken place a process of atomization and mutation of traditional violence-oriented structures toward new organizational forms, in a context that is different both nationally and regionally.

2.2. Based on the investigations made, the current panorama of violence can be described as more complete and more sophisticated than in earlier years or during the armed conflict:

(a) During the period preceding the Peace Accords, for example, the "dirty war" afforded a view that was perhaps simpler and more transparent: the objective was to cope with the "threat of the enemy within", making use of every possible method for the systematic physical elimination of real or supposed opponents, with direct involvement of agents of the State apparatus. Powerful economic and political spheres were involved in those violent methods, in which they trusted and to which they imparted legitimacy, for to their mind, it was the only way to defend their interests.

(b) At present, it appears that the objective sought by politically motivated illegal armed groups is to destabilize the peace process to which the Government

itself, the vast majority of Salvadorians and their political and social organizations have committed themselves.

(c) With this objective in view, such groups seem also to be seeking to generate conditions favourable to the militarization of the country, the prolongation of the presence of the National Police or the neutralization of the National Civil Police.

(d) In addition, these structures seek to create fear among certain segments of the population to prevent them from joining or supporting political parties or social organizations perceived by the brains behind these criminal activities as a threat to their economic or political interests or their ideological conceptions.

(e) Another characteristic of the present process, however, is that the forces that were harshly dealt with in the past have embarked on the difficult path to democratic coexistence, a climate indispensable for the social, political and economic stabilization of the country.

Though some sectors of the State apparatus still bear the heavy weight of the old machinery of impunity and corruption created at a given point, the action of the Government appears to be directed toward putting an end to those vestiges of the past, which even today gnaw at and hamstring the action of some of its institutions.

(f) Nevertheless, despite the uninterrupted efforts of the people of El Salvador to heal old wounds and advance along the path of transition to an essentially democratic society, the Joint Group is in possession of data on the basis of which it can affirm that there still subsist structures and individuals pursuing the objective of undermining the exemplary pacification process in favour of which the Salvadorians have opted.

In this regard, the Joint Group points out that the effort to eradicate intolerance from the country, one of whose facets is violence for political purposes, is unfortunately a still-incomplete task that awaits the firm, concerted will of all sectors of society in order to be achieved once and for all.

3. ORGANIZED CRIME, COMMON CRIME AND POLITICAL VIOLENCE

3.1. The Joint Group points out that it is impossible to understand the current phenomenon of violence for political purposes in El Salvador without constantly referring to the situation of insecurity and highly organized criminality with which the country is plagued.

3.2. The problem of organized crime firmly ensconced even in State institutions was mentioned recently by the Vice-Minister of Public Security, who referred to the existence of sophisticated structures and a well-established system of protection. 37/ The President of the Republic went even further,

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37/ Diario Latino, 24 June 1994.

affirming that there might exist a link between organized crime, death squads and common crime. 38/

3.3. From a variety of sources of different kinds, the Joint Group has received information that supports the thesis that political violence is on the move and is camouflaging itself in the underworld of organized crime and common crime.

3.4. Regarding organized crime, there are repeated references to drug trafficking, money-laundering, kidnapping for ransom and car theft, among other illicit activities. This criminal organization is taking shape as the economic and logistical basis for maintaining structures potentially suitable for achieving political objectives through the use of violence.

3.5. Common crime, for its part, is fertile soil for the selection of hired assassins ready to do any kind of "job" for a sum of money. Here one cannot get round the fact that, as a consequence of the armed conflict that shook the country, there exist a large number of persons trained exclusively for war who still bear the traumas of a brutally violent period and are unable to find their place in the process that began with the Peace Accords.

3.6. It seems reasonable to assert that organized criminal structures like those operating at present cannot possibly survive without the cover provided by certain members belonging to the security bodies, a situation that was brought home recently in the bloody hold-up of an armoured car in front of a banking institution.

Furthermore, the judicial system continues, by act or omission, to provide the margin of impunity that those structures require. Obviously, there are positive signs that, with the setting-up of the National Council of the Judiciary, this situation is being overcome, and it is hoped that the advances will be even greater with the advent of the new Supreme Court of Justice.

Similarly, the volume of operations of such criminal organizations provides a glimpse of the involvement of sectors that control large amounts of money, not to mention so-called "white-collar crime", fighting which always proves a difficult matter via the judicial-and-police system, due to the fact that it entails standing up to powerful interests. 39/

3.7. By way of illustration of the points emphasized above, a number of figures reflecting the criminal scene during the mandate of the Joint Group are alarming:

38/ Al Día newscast, Channel 12, 1 July 1994.

39/ According to a survey conducted by GALLUP in May 1994 and printed by El Diario de Hoy on 20 June 1994, 63% of the persons interviewed believed that embezzlement of funds took place in State institutions. A matter of even greater concern was the fact that the survey showed a total lack of confidence in official institutions on the part of the population, indicating that 86% of those interviewed stated that if they were aware of a case of corruption, they would not report it.

(a) During 1993 at least six large-scale operations were carried out in connection with drug trafficking, during which thousands of kilograms of cocaine were confiscated. According to the Antinarcotics Division of the National Civil Police (former Special Antinarcotics Unit - U.E.A.), four operations involving international drug traffickers were uncovered and two operations conducted by Salvadorians. Yet the names of the masterminds of these crimes were never revealed publicly.

(b) The laundering of money is a reality that has not been duly dealt with to date. Yet, while there exist well-founded suspicions regarding the origin of the money invested in various activities in different areas of the country, these situations have yet to be the object of any State investigation.

Other large-scale economic-type crimes have also come to light recently, such as the enormous fraud committed in the FOMIEXPORT case.

(c) As for the growing vehicle theft by organized bands, the seriousness of the situation is a matter of public knowledge and has been experienced by dozens of Salvadorians. There exists evidence of the participation of members of the security bodies in such incidents.

The network of car thieves spreads far and wide in the region, including areas ranging from the United States to Colombia. There is evidence in support of a connection between this activity locally and certain acts of political violence.

According to the present Deputy Minister of Public Security, more than ten previously stolen Salvadorian vehicles were recently found in Guatemala, registered with Honduran number-plates and sailing out on a cargo boat bound for Colombia. 40/ During 1992, from 30 to 40 stolen vehicles were reported daily, of which 40% were taken out of the country and another 40% were dismantled.

(d) Arms smuggling continues to be a reality in the region. Criminal organizations engaging in this type of activity and involving both private citizens and members of the armed forces, some of them still in service, have recently been detected in El Salvador.

(e) Assaults on armoured trucks transporting valuables and on banking institutions, resulting in a number of tragic fatalities, demonstrate the existence of an organization with access to military arms, technology and information adequate to enable it to achieve its goals. As mentioned previously, members of former security bodies and officers currently in the National Police have recently been involved in such operations. In this connection, the steps taken by the Executive Organ to dissolve the corps of investigators of the National Police and the progress made in the total demobilization of that security body are considered positive.

(f) In view of the situation of criminal violence summarized above, the action of the State through its Judicial Organ is still inadequate. Over the past few years it has been reported that inefficiency, corruption and politicization have become ensconced in various sectors of the Judicial Organ. As a result of this, among other things, there are currently 137,000 cases

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40/ TCS interview, 28 June 1994.

pending judicial resolution, 41/ while 74.8% of the 5,864 imprisoned persons remain, unsentenced, 42/ under inhuman conditions in places of confinement where riots, murders and even massacres occur repeatedly.

The other side of this situation, and perhaps a consequence of it, is that between 1980 and September 1993, thirty-five judges were murdered in the country. 43/

4. LAW AND ORDER AND THE RESPONSIBILITY OF THE STATE

4.1. In the analysis of the phenomenon under investigation, despite the references to this same point made previously, one cannot mention enough the responsibility of the official institutions in maintaining the climate of insecurity generated by politically motivated acts of violence.

4.2. The Joint Group also mentions once again its positive view of the currents efforts being made by the Salvadorian State to imbue its actions with a greater content of guarantees. Nevertheless, there still exist situations that urgently need solving in order to impart to national institutions a transparent profile that will justifiably render them worthy of the citizen's confidence.

4.3. A highly positive development is the change observable in the area of public security policies, with the impetus given by the National Civil Police to its activities; the situation will improve, moreover, once the deployment of the National Civil Police throughout the national territory is completed. One of the primary guarantees of the genuine exercise of human rights in any country is provided by the conduct of a police corps committed to strict respect for the law, together with its counterpart, respect on the part of citizens toward their police. In this respect it is essential that the National Civil Police continue to improve its internal audit mechanisms for the prevention and, where necessary, punishment of any conduct by its officers that goes against the legal system.

4.4. Also, in connection with the phenomenon under investigation, references to the participation of members of the armed forces in illicit activities continue to appear. A matter of particular concern is the existence of reasonably cogent evidence that military intelligence activities aimed at the internal jurisdiction of the State continue to be carried on by some units. Not enough attention has been devoted to the use of the intelligence machinery of the armed forces and the security forces, so as to guarantee the use of military intelligence exclusively for the prevention of acts of an external enemy that constitute a threat to national sovereignty.

On the basis of the reforms that originated with the Peace Accords, intelligence activities are the exclusive responsibility of the State Intelligence Agency, placed directly under the President of the Republic. Consequently, the Salvadorian State must, without any delay, take the necessary precautions to ensure that the situation observed is corrected and that an

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41/ El Diario de Hoy, 16 April 1994.

42/ La Prensa Gráfica, 23 May 1994.

43/ La Prensa Gráfica, 10 October 1993.

activity as delicate and as fraught with danger, from the standpoint of the safety and security of the citizens, as intelligence tasks is brought under proper supervision and control.

4.5. Although the Joint Group did not find any evidence that the existence of the groups in question is a matter of State policy, that does not mean that they are totally foreign to the State machinery: indeed, as emphasized earlier, evidence has been collected that points to persons currently belonging to the armed forces or the National Police or persons holding public office who are members of such clandestine structures. What is more, it can be affirmed that some of the illegal activities in question are most certainly directed, backed, covered up or tolerated by members of the military or the police, the judicial organ or the municipal body.

Along the same lines, there seems to have been some faintheartedness in the investigation and sanctioning of those State agents presumed to be involved in politically motivated crimes or in organized crime.

It must be pointed out that at present the Government has manifested a very serious attitude toward combating politically motivated violence and organized crime. By way of tools for achieving this it has a firm political will and a new police corps, the National Civil Police, infused with a new commitment. It is highly probable, therefore, that in future the prosecution of crimes of this type will be more effective.

5. ATOMIZATION OR REGIONALIZATION OF POLITICAL VIOLENCE

5.1. The picture of politically motivated violence exhibits special features depending on whether we are looking at what happens in rural or urban areas in El Salvador.

5.2. In rural areas, for example, one finds heavily armed bands that sport military uniforms and even possess portable communications systems. Their members include former members of the armed forces, civil defence units and security bodies and demobilized FMLN members, as well as individuals with histories of common crime. Apparently connected with these structures are members of the armed forces and the National Police, citizens holding political office, members of the Judicial Organ and private persons wielding considerable local economic power.

5.3. In urban areas, criminal bands appear to be involved in vehicle theft, drug trafficking and other criminal acts requiring a high degree of organization and training. These same well-armed organizations can turn into the executive arm of those structures that seek to continue resorting to violence as a clever means for solving political differences.

The investigations carried out by the Joint Group yielded evidence of the participation of members of the former security bodies - some of them still belonging - in those structures as the masterminds or physical perpetrators of criminal acts or as accomplices or cover-up agents.

6. VICTIMOLOGY

6.1. The victimology of political violence also reveals special characteristics in relation to different areas of the country.

6.2. In rural areas, the activity of the illegal structures studied is directed primarily toward defending local traditional interests, which, it is

claimed, might be damaged as a result of the new political and social configuration that began to take shape starting with the Peace Accords. Thus, the victims of violence (which takes the form of summary executions, threats of death or other acts of intimidation) are local political or social leaders and, in may instances, citizens who hold no major responsibility in their respective organizations but appear as "focal points" for the inhabitants of their locality. This gives rise to a feeling of fear and insecurity that paralyzes any initiative that might, theoretically, run up against those traditional interests.

6.3. When we shift the study to urban areas, we perceive more selective targeting of victims. In such cases political violence is aimed basically at persons having significant responsibilities in their respective organizations or a history of participation in the armed conflict.

Political destabilization of the peace process appears in these cases to be the direct objective. The perpetrators of the attacks proceed in security, showing signs of considerable organization and planning. On the basis of the investigations conducted by the Joint Group it can be asserted that there exists clear evidence that the physical perpetrators of these criminal acts - which are obviously politically motivated - have ties with organized crime, as stated above.

Here one cannot fail to mention the reports of threats of death that were made public and were verified after the signing of the Peace Accords, a list of which will be found in Annex 5. These acts continue to generate a disturbing climate of insecurity and mistrust among the population and reflect the intentions of individuals or groups still seeking to upset the stability of the peace process, resorting to intimidation and terror.

6.4. "Private violence", the aim of which is to be found in personal motives or vengeance, is another ingredient that must be taken into account for a full understanding of the phenomenon. In this regard, the Joint Group notes with concern that recourse to violent means is an option still considered valid by some citizens when it comes to resolving differences with political opponents. This situation obviously stems from an ethic of violence that originated in the decades of confrontation among Salvadorians, reaching its most dramatic stage during the armed conflict. Thus, intolerance continues to claim victims, as reflected even in individual acts of citizens not answering to any clandestine structure or group, but simply to their own personal decision.

IV. EVIDENCE OF THE EXISTENCE OF POLITICALLY MOTIVATED ILLEGAL ARMED GROUPS DURING THE PERIOD COVERED BY THE MANDATE OF THE JOINT GROUP

In two ways the Joint Group deemed it proper to focus its investigation on the existence of politically motivated illegal armed groups during the period covered by its mandate:

(a) Following an inductive method, on the one hand, it centred its attention on cases presented to it which were verified starting 16 January 1992. The Joint Group worked on cases involving violence to life and physical safety, threats of death and acts of intimidation against members of political, social, military and former military organizations in which there existed evidence of political motivation.

(b) On the other hand, using a deductive approach, the Joint Group worked with existing information on previously identified clandestine structures made up of private citizens and public officials (both civilian and military) which appear prima facie to be actuated by political motives, though they may be camouflaged or proceed in a manner that does not exclude actions directed toward purely criminal objectives.

In addition, an analysis was made of the possible responsibility, by act or omission, of members of State institutions who, by virtue of their position, facilitate or contribute to the operation of the illegal organizations.

The investigations carried out within the narrow framework of the faculties granted to the Joint Group under its mandate made it possible to identify a number of persons suspected of involvement in acts of political violence. However, the evidence collected in this way does not constitute full evidence; consequently the Joint Group, for obvious reasons, is prevented from making public allegations of responsibility in so far as no judicial steps have been taken to empower it. The situation not the same in cases in which the Judicial Organ has instituted the appropriate proceedings.

Notwithstanding, concurrently with the delivery of the present Report, the entire process of the Group's investigations, including the names of persons identified and the documentation obtained, is placed, in accordance with the faculties of the Joint Group and in a confidential manner, at the disposal of the President of the Republic, the Deputy Minister of Public Security and the Attorney-General of the Republic, in order for the investigations carried out to be continued and gone into in greater depth. At the same time, the said information is being delivered to the National Counsel for the Defence of Human Rights and the United Nations Observer Mission in El Salvador (ONUSAL), with a view to the appropriate supervision and verification.

1. MODELS FOR THE INVESTIGATION PROCESS

1.1. Cases

The framework of the investigation work carried out is to be found in the conceptual definitions, technical criteria and objective procedures derived from the standards, principles and practices of the universal system for the protection of human rights, which provide the basis for determining in which cases there exists sufficient evidence that the criminal act under investigation is politically motivated.

Within this framework, especially for the investigation of reported cases, the model followed included the following elements:

(a) The victim profile, attention being directed toward those persons who, owing to their past and present activities, might be singled out as potential targets for politically motivated acts of violence.

For this purpose, an analysis was made of the victim's ties with:

- social and political activities;

- activities directly related to the previous armed conflict (with special emphasis on military persons, either actively serving or retired, FMLN ex-combatants and civilians with some type of specific responsibility during the war);

- possible criminal activity, in cases in which a "social cleansing" or "private justice" motive is suspected of having existed.

(b) The modus operandi of the wrongdoers, where it enables one to detect the operation of organized, highly armed groups of persons acting clandestinely.

Here, attention was focused on the following objective data:

- evidence of prior planning and logistics appropriate to the execution of the crime;

- type of weapon used;

- use of masks or uniforms;

- signs indicating that some organized group claims responsibility for the criminal act (leaflets, graffiti or other types of message);

- in cases in which the perpetrators of the criminal act have been identified, their past or present ties with security bodies, the former guerrilla forces or organized crime (examples: bands of car thieves, weapon smuggling, drug traffic).

(c) The impunity of the perpetrators of the criminal acts investigated, as a result of the nonexistence or ineffectualness of the investigation system of the courts and the police.

Here an evaluation was made of the action taken by the subsidiary bodies and the Judicial Organ with regard to the promptness of investigations, the adequacy of the expert examinations ordered, the manner in which evidence of witnesses was taken and, in cases in which reference was made to the responsibility of a person suspected of involvement or a specific motive, the solidity of the evidence in the light of principles internationally recognized for such purposes.

Based on the above, the Joint Group is in a position to conclude that political motivation might be assumed in those cases in which the three elements coincide, and particularly where no evidence is adduced on the basis of which one might reasonably assume the existence of an ordinary motive for the commission of the crime.

Given the duty of the State in respect of guaranteed rights, it is fitting to demand that the State conduct an efficient investigation and subsequently punish the culprits in all cases in which the laws are violated. That duty becomes specific in the case of acts which, based on the evidence, one can reasonably assert to be politically motivated.

In the present stage through which the country is passing, namely one of transition toward a State in which the rule of law reigns supreme after decades of systematic violation of human rights, and considering the grievous history of action by politically motivated illegal armed groups in the recent past, the permanent institutions of the State must conduct a systematic investigation, using adequate human and technical resources, to cope with the lack of security, determine individual responsibilities and proceed to trials before the courts in which those responsible are punished.

The cases included in this chapter and in the related annexes constitute a dramatic picture of reality, the mere consideration of which gives rise to a well-founded suspicion that recourse to violence for the purpose of achieving political results has yet to be eradicated in El Salvador.

From the start of its mandate, the Joint Group worked with an extensive universe of cases that had been provided by the National Counsel for the Defence of Human Rights, the Division of Human Rights of the United Nations Observer Mission in El Salvador (ONUSAL), non-governmental human rights organizations, political and social organizations and individuals.

The Group has exercised the utmost caution in analysing the information submitted in connection with every one of the several hundred cases that have come to its attention. An initial selection focused on those cases in which the three elements defined above were most clearly present. Subsequently, within the limits of the time allotted for the completion of its mandate, the Joint Group advanced still further with its investigations, effecting a second selection in which it opted in favour of those cases in which the evidence was substantial enough to ensure duly founded conclusions.

As repeatedly stated in this report, politically motivated violence may not appear at present as clearly and specifically delineated as in previous years or during the armed conflict. In a number of cases one can see that the real motive in a criminal act is covered up by acts supposedly belonging to the realm of organized or common crime. This, however, does not seem strange when one considers that, according to the information collected, in many cases the individuals that actually carry out the criminal acts are common criminals who at the same time collect the "spoils of war", stealing the victim's valuables.

On the basis of the analysis of the universe of cases retained after the painstaking process of selection mentioned above, the Joint Group can assert that there exists at present sufficient evidence of the existence in El Salvador of a disposition to resort to the use of violent means for political purposes.

1.2. Structures

Beyond the specific cases collected, the Joint Group is in a position to affirm, on the basis of the evidence obtained in its investigations, that there are serious indications of the current existence of clandestinely operating illegal armed structures with considerable logistic, economic and political capacities, made up of private citizens and State employees (both civilians and members of the security forces).

The structures in question exhibit a high level of organization in both urban and rural areas. An analysis of those structures shows them to be quite capable of remaining in a latent state, becoming activated when they feel the time is right and using violent means to achieve their political objectives. As has been said, one can perceive that these groups are integrated into complex organized crime networks, so that in their actions, politically motivated operations appear to go hand in hand with those aimed at common criminal ends.

The Joint Group focused its investigation primarily on departments in the interior of the country, where evidence has been collected that points to the existence of certain locally operating groups in which the participation of persons connected with the activities of the so-called "death squads" has recently been detected, and also on the armed forces and some elements of local structures of the governing party.

These groups, moreover, reportedly control groups of armed persons made up of former members of the armed forces, civil defence, the National Guard and the Treasury Police as well as FMLN ex-combatants and appear to be in perfect logistic and operating condition, ready to be called to action whenever it is considered necessary.

At the same time, the structures referred to reportedly manipulate official institutions locally.

They apparently seek to achieve their political objectives through acts of intimidation and threats to the local population that may go as far as the physical elimination of persons considered contrary to the interests pursued by such illicit organizations, thus creating the climate of dread and insecurity necessary for their subsistence. In addition, their economic objectives are geared to obtaining funds for financing their activities, not to mention their own personal gain.

Based on the facts identified above, the Joint Group considers the prerequisite conditions for the survival of politically motivated illegal armed groups and organized crime structures as complementary, inasmuch as the objectives can easily shift between the two fields of action.

These conditions are connected with the collaboration and/or tolerance of members of some State institutions that provide cover, guarantees of impunity and even logistic and operational support for the illegal structures; with an atmosphere of widespread corruption in some sectors of the society; and with the fear and lack of trust in certain institutions that still exist in a large part of the population.

The methodology followed by the Joint Group in its investigation of the said structures involved three phases:

- Initially, the work was focused on obtaining a platform of preliminary information, which in concrete terms meant acquiring a variety of sources to serve as a support for whatever information and evidence might be acquired;

- Next, field work was done on the basis of the information gathered, and this activity provided access to new and more complete sources of information;

- Finally, the Joint Group compiled the results of the investigations carried out within the limits of its mandate, which constitute, in its opinion, a body of serious evidence on which to base an investigative process that must

be carried out, with the necessary legal powers, on the judicial and police level.

The data gathered by the Joint Group in those investigations derive from contacts with the National Counsel for the Defence of Human Rights, judicial and National Civil Police officers, political parties, non-governmental organizations, churches, testimonies of private citizens and persons affected, confidential sources and ONUSAL.

2. ILLUSTRATIVE SITUATIONS AND CASES

Within the extensive universe that came to the notice of the Joint Group, certain illustrative situations and cases stood out, permitting the investigations to advance with greater strides and even going so far as to identify persons allegedly responsible.

These examples are presented in summary form in the following pages, while the details of the investigations are given in the confidential annex mentioned at the beginning of this chapter, including the names of the persons allegedly responsible and other data to enable the competent organs to pursue the inquiry in depth.

The Joint Group also worked on other cases and situations presented by different institutions and private individuals; the related investigations, however, did not furnish any new facts beyond those already obtained. The Joint Group did nevertheless conclude that they contained sufficient evidence, in principle, that the motive of the perpetrators was political. For this reason, the related summaries have been included in Annex 3.

Typical case: SUMMARY EXECUTION OF JUAN ADALBERTO AYALA RIVAS, MEMBER OF THE MILITARY INTELLIGENCE BATTALION, DEPARTMENT OF SAN SALVADOR

(a) Facts

On 13 August 1992 the victim, a member of the Military Intelligence Battalion (BIM), was travelling in the company of his 5-year-old son and the driver of the vehicle along the Pan-American Highway heading toward San Vicente. Under those circumstances they were intercepted by a pick-up from which there issued bursts of machine-gun fire. In attempting to turn aside in order to escape the assault, the driver of the victim's vehicle went off the road and the motor car struck against the entrance to a house. The aggressor vehicle placed itself next to the site of the collision and one of its occupants proceeded to direct the traffic that was passing along the road while the other approached the victim, firing at him two shots that caused his death. Both Ayala Rivas and his driver were members of the Military Intelligence Battalion, Army Staff, 2nd Section. The latter was unharmed by the assault, as was Ayala Rivas' son.

(b) Investigations conducted

Based on the study and analysis of the trial held in the Magistrate's Court of Santo Domingo in connection with the summary execution of the victim, the van in which he was transported was intercepted at kilometre 49 on the Pan-American Highway, heading toward San Vicente, by unidentified armed persons travelling in a twin-cab pick-up who, after machine-gunning the said van, fled from the scene of the crime.

The Magistrate's Court and National Police of that jurisdiction were in charge of the initial inquiry; the preliminary investigation which was carried out

consisted in technical work relating to planimetric and photographic location of the incident and the collection of evidence (23 cartridge cases and 1 cartridge, belonging to an M-16). The inquiry shows that an armed forces of El Salvador lieutenant, the direct superior of Ayala and his driver, proceeded, without any judicial authorization, to remove the corpse together with the vehicle mentioned above, an circumstance which was duly reported to the chief of staff of the armed forces of El Salvador by the judge of the court of first instance.

One learns from the record of the said trial, including the depositions, that the two soldiers, both military intelligence specialists, were using an official vehicle with the permission of their direct superior in order to travel to that area to visit a relative. According, however, to a statement made to the Joint Group subsequently by the driver, the work they were doing was intelligence work, specifically involving the collection of data supplied by Ayala's informants in the area.

Concerning the assault, eyewitnesses living in the area stated that four individuals travelling in a twin-cab pick-up, wearing blue trousers and shirts and safety helmets and armed with M-16 rifles, shot at the van while in motion and in a position parallel to it. The driver of the van lost control and collided with a retaining wall, the vehicle remaining half-overturned in a gutter, and the assailants took advantage of the situation in order to finish off the victim. The driver states that he hid under the vehicle until the assailants fled.

It is notable that the findings of the autopsy regarding the nature and direction of the impacts received by the body do not agree with the findings in the report on the inquest effected by the justice of the peace. Consequently, on 23 January 1993, the judge of the court of first instance ordered the body of Ayala Rivas exhumed by the Institute of Forensic Medicine with a view to a new autopsy intended to clarify the contradictions regarding the entry and exit holes and the direction of the impacts. This procedure could not be carried out due to the fact that, when the judge of the criminal court went to the Acalhuaca municipal cemetery, Ciudad Delgado, she found that there was no exact record kept by the cemetery administration indicating clearly where Ayala Rivas was buried.

The file was then turned over, on 28 September 1993, to the judge of the court of first instance of the municipality of San Sebastián. The Joint Group found that no further action has been ordered to date.

With a view to penetrating further and collecting more factual information, the Joint Group interviewed the spouse of the victim, Mrs. Luz Amalia Zepeda Arias, who stated that her husband served as a specialized soldier in the Army Staff (BIM) and that he and his driver were carrying out data-collecting work in the San Vicente sector.

Mrs. Zepeda also stated that her husband had joined the Treasury Police in 1987 and that prior to that, starting in 1981, he had participated "against his will" in the guerrilla forces, in the Fuerzas Armadas de Liberación (FAL), in the San Sebastián sector, Santa Teresa canton, where he was resident, using the nom de guerre "Hipólito".

She mentioned that her husband's driver also belonged to the same organization. Both Ayala and his driver had been arrested in 1987, though the places and circumstances were different, by the Treasury Police of San Salvador. That body then recruited them to do information work, specifically against the guerrilla forces. Some time later both the victim and his driver were

transferred to the Military Intelligence Battalion, still performing the same work.

The Joint Group also interviewed the father and close relatives of the victim, who confirmed the above version.

The driver, in his interview with the Joint Group, stated that before joining the Treasury Police he had in fact taken part as a fighter in the guerrilla forces in the San Vicente area, together with Ayala Rivas, who had held the post of logistics officer in the FAL. He confirmed that he had been arrested and recruited by the Treasury Police in 1987, where he again met his former guerrilla companion, with whom he began to work in the Military Intelligence Battalion as a driver.

He added that on the day on which the events took place, he had received instructions from his superiors to pick up his companion Ayala Rivas in an official vehicle and take him to the San Vicente area, where Ayala Rivas was to receive information from an informant whom he did not know. It was then, as they were driving on the Pan-American Highway in the direction of San Vicente, at kilometre 49, that they were machine-gunned by unknown persons travelling in a twin-cab pick-up, which resulted in the death of his companion, while he himself emerged from the incident unscathed.

The driver added in his statement that he had learned from Ayala Rivas that a month prior to the events, one of his informants had warned him that ex-combatants of the guerrilla forces were planning to assassinate him because of the intelligence work he was performing.

(c) Conclusions

The Joint Group, based on an objective evaluation and analysis of the data collected, considers that, given the specific characteristics of the modus operandi, there exists evidence that the persons who executed Ayala Rivas showed a certain degree of military preparation, operating with heavy-calibre weapons and in uniform. Moreover, the assault exhibits previous planning of the criminal act, thus ruling out any possible circumstantial incident or other motive than the direct motive of eliminating the victim.

Nevertheless, the investigations did not yield any conclusive findings pointing in a single direction that would provide a basis for tracking down the persons responsible for the crime.

It is felt, therefore, that account must be taken of the victim's prior history and his activity at the time of the murder. Thus, the related facts suggest that the motivation of the culprits might include an attitude of "squaring of accounts" or vengeance, so that the participation of FMLN ex-combatants cannot be ruled out. Nor, given the delicate and very special domain in which Ayala Rivas operated (military intelligence for political objectives, which, moreover, is clearly unconstitutional), can one dismiss the possibility that he may have handled information so broad as to make silencing him unavoidable.

Finally, the Joint Group emphasizes the near-total failure of the Judicial Organ, the Attorney-General and the National Police to take any action toward an effective investigation of a case such as the one under discussion, a situation which directly guarantees the impunity of the criminals. Attention is drawn more concretely to the grave irregularity of the removal of the corpse by a lieutenant of the armed forces of El Salvador without any judicial authorization, the

conflict between the result of the autopsy and the inquest report, and the fact that it was not possible to exhume the corpse, the immediate reason for which was that the competent authorities did not know where it was buried.

Typical case: COLLECTIVE SUMMARY EXECUTION, PRIMAVERA CANTON, DEPARTMENT OF SANTA ANA - ILLEGAL INTELLIGENCE ACTIVITIES BY THE ARMED FORCES

(a) Facts

Between 8:00 and 8:30 on the evening of 11 December 1993, a Saturday, ten persons were captured by a group of unknown, heavily armed individuals in Copinolito hamlet, Primavera canton, Department of Santa Ana. On the following day the corpses of Mauricio Ernesto Alfaro Morán, Carlos Ramírez López, Enrique Guevara Navas and Cristián Alfredo Salguero, who had been shot to death, were found in the place known as Cuesta Carranza. Some 500 metres from the site, the bodies of Carlos Antonio Carrillo Ramos and Luis Alonso Aguilar Velázquez were found; they had been knifed to death.

On the same night, members of the National Police of Santa Ana, working jointly with members of the Rapid Deployment Unit, arrested Adán de Jesús Alvarado Acevedo, a sergeant in the Cavalry Regiment, Rafael Antonio Cardona Guerrero, a private serving as a driver in the same military unit, and Miguel Angel Alvarado Acevedo, a civilian, brother of the first-mentioned. The three individuals, together with other unknown persons who took flight, had established an assault point on the old road from Santa Ana to San Salvador.

The arrested persons stated to the press that they were carrying out a special mission in the area where the incident took place. The same version was provided to ONUSAL, and it was specified that the mission consisted in a search of the home of an inhabitant of Primavera canton. In the subsequent verification by ONUSAL, it was found that an FMLN leader lived in the house in question and that the search had in fact taken place at 9.15 p.m. on the day of the massacre, an hour and a quarter after the start of the executions. The identity documents of the executed persons were found after the search, in the home of the said political leader.

Eyewitnesses to the captures and the murders recognized the three arrested persons as members of the group responsible for them. The ballistic testing done by the Forensic Technical Unit of the Scientific Research Laboratory on Crime on the rifles seized from the arrested persons at the time of their capture showed that they had been used to kill four of the victims.

(b) Investigations conducted by the Joint Group

Examining the record of the proceedings, one finds that on 15 January 1993, Adán de Jesús Alvarado Acevedo testified before the 3rd Judge of the Criminal Court of Santa Ana. At that time he stated that he was a sergeant in the Cavalry Regiment and that on the 11th of the same month he had returned home from San Salvador volcano, where he "was doing some work". He added that he had taken with him two M-16 rifles signed out to him as equipment because he "is sufficiently authorized to carry the equipment given to him on loan to any of the places to which he has to travel".

Private Rafael Antonio Cardona Guerrero testified that on the day on which the events took place, he was with Sergeant Alvarado Acevedo almost all day carrying out a secret mission in the San Salvador volcano area.

The accused persons denied having committed the crime and affirmed that they were not carrying any weapon at the time of their arrest. The police report submitted to the executive officer of the 3rd command of the National Police, however, states that at the time of capture, the accused were bearing heavy-calibre weapons and that rifles, a short M-16 A1, serial No. 9604669, and a sawn-off M-16 A2, serial No. 8003059, were confiscated from them on the spot.

Furthermore, the attorney for the defence presented documentary evidence stating that on 22 November 1993, Sergeant Alvarado Acevedo had received the above-mentioned rifles on loan. The document in question bears the heading "Armed Forces of El Salvador, Cavalry Regiment" and is signed with the name of Sergeant José E. Palacios Escobar as the person issuing the arms, "obeying orders from Mr. S-II of the Regiment".

The said document was certified on the back on 12 December 1993 by Notary Javier Orlando Alemán Ascencio. The same professional acted in the trial as defence counsel for the accused.

On being called upon by the 3rd Judge of the Criminal Court of Santa Ana to testify, Sergeant Palacios Escobar did not recognize as his own the signature appearing on the said document. He testified that on 22 November 1993 he was on leave and that Sergeant Luis Rosales Renderos was on duty.

At the request of the Joint Group, on 19 April 1994 the Ministry of Defence handed over a file containing records relating to the case. Included in it was a letter sent by the Cavalry Regiment to the Ministry of Defence in response to a request made by the Joint Group. According to the letter, the accused had not been assigned to any mission in the area where the incident took place, those in command of the Cavalry Regiment had not at any time authorized them to travel to the said place, and the arms seized by the National Police had been obtained without the authorization from superiors. It was further stated that the accused were detailed to the north-east of San Salvador volcano, being originally from that area, in order to identify the members of bands of common criminals who engaged in stealing coffee.

According to then Major Jorge Alberto Barahona Pineda, commander of S-II at the time of the events, former Sergeant Alvarado Acevedo requested two rifles from Sergeant Rosales Renderos, who issued them to him without proper authorization and signed in Sergeant Palacios Escobar's stead.

On 10 May 1994, the Joint Group also requested information concerning the activities of the Cavalry Regiment and the legal framework on which they were based and also concerning whether the Joint Chiefs of Staff were informed of them. In reply, the Ministry of Defence, in a letter to the Joint Group signed by Lieutenant Colonel Guillermo Contreras Barrera, simply stated that such "intelligence activities are planned, coordinated and supervised by the Joint Chiefs of Staff of the armed forces under an information search plan elaborated by them pursuant to the National Defence Organization Act of 1961".

The Joint Group similarly submitted a request for information concerning the case to the State Intelligence Agency (OIE), through the President of the Republic. An initial reply was obtained from OIE in a letter addressed to the Joint Group stating that the Agency had no specific data due to the fact that the case did not constitute an objective "requiring data-collection efforts, particularly when three of the six actual perpetrators of the multiple killing have been identified. In this case, the Cavalry Regiment and the Second Infantry Brigade might possibly be able to furnish more information. It has been ascertained unofficially that the action in question was directed against a band

of thieves, though it is not known whether the six murdered persons belonged to it."

In view of this reply, on 13 May 1994 the Joint Group addressed an urgent request to OIE for concrete information on whether the Agency had knowledge of the intelligence activities of the Cavalry Regiment, whether such tasks had been authorized by OIE, and whether it received reports on them.

In a reply contained in a letter dated 19 May 1994, addressed to the Joint Group by Mauricio Eduardo Sandoval, Executive Director of OIE, the latter reiterated the version provided by the Ministry of Defence, adding that his Agency "does not know about the operations of military units, which must be set within the framework of the constitutional mission of the armed forces". He added, "The OIE neither allows nor disallows such operations" and "receives no report".

The Joint Group interviewed Sergeants Palacios Escobar and Rosales Renderos, who had been detailed to the Support Squad of the IInd Mechanized Battalion of the Cavalry Regiment at the time of the events.

Rosales Renderos said that he was authorized to sign ordnance issue receipts in the absence of Sergeant Palacios Escobar. He stated that in the case under investigation, he had neglected to demand written authorization from a superior in order to issue the rifles because former Sergeant Alvarado Acevedo said that he needed them for a mission and was in a hurry. He also said that he had informed Sergeant Palacios Escobar of the signing out of the rifles and the existence of the receipt when the latter returned from his leave.

Sergeant Palacios Escobar, for his part, stated that was apprised of the irregular arms issue and thought that he had to recover them, but subsequently "forgot". Nor did he report the incident to his superiors because he thought "that they were not going to have any problems". He said that his superiors did not notice that the two carbines were missing during the 18 days that elapsed between their issue and the date of the crime.

The Joint Group was able to check some of the record books of Cavalry Regiment activities. It thus noted the following:

1. The rifles, serial Nos. 9604669 and 8003059, seized from the accused at the time of their capture were signed out to Sergeants Juan Antonio Chávez Lino and Oscar Ismael Pérez Ramírez, respectively. According to an officer, the said rifles were in the magazine because the two sergeants in question were assigned to administrative tasks. Yet in the corresponding book it did not say that the said rifles were in the magazine. Moreover, the officer in question was unable to furnish a clear explanation why ordnance was signed out to officers who did not need it;

2. According to the Cavalry Regiment IInd Battalion staff leave book, Sergeant Palacios Escobar was not on leave on 22 November 1993, contrary to his testimony before the 3rd Judge of the Criminal Court of Santa Ana;

3. Intelligence work connected with public security and surveillance of FMLN activities is constantly being carried on in the Cavalry Regiment, both within and outside its jurisdiction.

(c) Conclusions

Based on the investigations carried out, the Joint Group is able to affirm the responsibility of the armed forces in connection with the events investigated. Such responsibility is deduced from the following evidence:

- The intelligence work carried out by the armed forces on the basis of the National Defence Organization Act of 1961 was unconstitutional due to the fact that the Act was partially abrogated by the constitutional reforms. The mission entrusted to the accused came under those activities and was thus in violation of the Constitution.

- The efforts of those in command of the Cavalry Regiment do not appear aimed at strengthening the judicial investigation in a case in which the crimes of perjury and misrepresentation of public documents may have been committed as well. At the same time, there is grave omission in the internal investigation of a criminal act committed by members of the armed forces with regulation weapons.

- The foregoing shows that units of the armed forces continued to use practices which in the past favoured the existence of illegal armed activities within the institution, giving rise to serious violations of human rights.

- In view of the initial statements made by the accused to the press and to ONUSAL, the attitude of the military leaders in concealing the truth and the content of the intelligence work of the Cavalry Regiment, the Joint Group has serious evidence on which to base the affirmation that there existed an order from the S-II of the Cavalry Regiment to carry out an investigation in Primavera canton;

- Lastly, the Joint Group expresses its concern over the lack of supervision by OIE over the intelligence work carried out by the armed forces. Also a matter of concern are the arguments put forward by OIE to lessen the importance of the case on the grounds that the victims might have belonged to a gang of thieves. This would tend to suggest that for the Salvadorian State, "social cleansing" acts would relieve it of its obligation to guarantee civil rights.

Typical case: ATTACK AGAINST DEPUTY MARIA MARTA CONCEPCION VALLADARES (NIDIA DIAZ), DEPARTMENT OF SAN SALVADOR

(a) Facts

At about 9.15 a.m. on 24 February 1994, unknown persons shot at the vehicle used that day by María Marta Concepción Valladares (Nidia Díaz), FMLN leader and now FMLN deputy. The attack occurred in front of her home. The only person in the vehicle at the time was Cruz Elías Cortez Pineda, a National Civil Police (PNC) supernumerary, driver and bodyguard of Mrs. Valladares. The assailants were travelling in a white Toyota Tercel SR motor car with privacy-glass windows, stolen a few minutes earlier.

The bodyguard repelled the attack, using his firearms, but received a minor bullet wound.

At approximately 7.45 a.m. on the same day, Mrs. Valladares had left her home in the same vehicle, driven by Mr. Cortez Pineda, in the company of a woman friend and another bodyguard, heading for Bautista Hospital, where she remained in the company of her other bodyguard, while her driver remained in the vehicle with the intention of taking the leader's friend to another place and

subsequently proceeding to cash a check at a bank branch office before returning to Mrs. Valladares' home.

After completing both errands, Cortez Pineda returned to the Valladares home. At the moment when he stopped in front of the house in order to put the vehicle in the garage, he noticed, approaching slowly in the opposite direction, a white motor car with privacy-glass windows, which stopped three metres away in a position parallel to his vehicle. Unexpectedly, the occupants of the vehicle opened the doors and, after shouting, "Sons of bitches, this is how we wanted to catch you!", fired a number of shots, aimed especially toward the rear part of his vehicle, ordinarily occupied by Mrs. Valladares. After initially taking cover from the shots, the driver, at the point when the assailants were about to flee from the site, emerged from the vehicle and opened fire on the assailants, but they took flight on the same road by which they had arrived.

After the assault, the criminals abandoned their vehicle, which they had to replace with another due to the damage it had sustained during the assault, and subsequently stole a Mitsubishi motor car and then a Mazda pick-up. The owners of the vehicles stolen after the attack stated that the person driving them had a bleeding wound in the head, and that he was accompanied by two other persons.

Shortly after the attack, Mr. Edmundo López, a member of the PRTC-FMLN Political Committee (PRTC: Revolutionary Party of Central American Workers) found, under the front door of his residence, an anonymous letter that literally read: "FMLN, YOU SEEN WAHT WE DONE NOW IF YOU DONT WANT ANY MORE DETH LIKE NOW CLEER OUT OF HERE YOU DAM COWERDS, (signed:) DETH SQUADS". The home of Mr. López is situated in the same residential district as that of Mrs. Valladares, to whom López had lent a vehicle the day before.

The PNC Criminal Investigation Division (DIC) recently captured a person indicated as suspected of having participated in the second criminal attempt on Mrs. Valladares' life, as will be explained in greater detail further on in this section.

(b) Investigation conducted by the Joint Group

The Joint Group had the opportunity to examine the DIC file throughout all the stages of the police investigation. Based on the steps reported:

- Visual inspection at the site of the incident yielded many pieces of evidence, on which a variety of expert studies and detective work were performed. At the same time, a number of neighbours and witnesses at the scene of the crime were questioned; they confirmed the events described above.

- The examination of the vehicle in which Cortez Pineda was driving revealed 13 holes and impact marks produced by firearms, mainly in the rear portion of the vehicle.

- DIC also received the anonymous letter found by Mr. López at his home; the document is still being analysed.

- DIC also prepared two verbal descriptions, one based on data supplied by Cortez Pineda and the other on data provided by a witness to the incident.

- The expert ballistic study carried out on the objects collected as evidence at the scene of the incident showed that at least two weapons that fire 9-mm missiles had been used in the assault. The study further corroborated Cortez

Pineda's testimony that to defend himself he made use of two weapons, a 38-calibre and an AK-47.

- Fingerprint analysis of evidence collected during the visual technical inspection carried out on the Toyota Tercel SR motor car indicated that at least ten prints were suitable for determining personal identity.

- According to an ANTEL (National Telecommunications Administration) report, a radio set found in the assailants' vehicle "is not registered in the archives of this administration".

- DIC made, in the presence of the Joint Group, a reconstruction of the events in accordance with Cortez Pineda's version that included the principal phases of the incident that took place on 24 February 1994.

- On 6 June, DIC held an interview with a current member of the Military Intelligence Battalion of the armed forces as witness in the case, following a communication dated 7 April 1994 sent to it by the Joint Group concerning the fact that, on the basis of its investigations, the person in question might be a suspect in relation to the assault. Both the serologic and fingerprint analyses done on the man proved negative.

The Joint Group also made a visual inspection both of the scene of the crime and of the vehicles involved in the incident. A reconstruction of the events was also done in the company of Cortez Pineda: his statements were recorded, and both the scene of the incident and his movements on 24 February 1994 were recorded photographically with a view to obtaining a chronological view of what had taken place.

Similarly, the Joint Group held a number of interviews with María Marta Concepción Valladares Mendoza and Cruz Elías Cortez Pineda. In addition, it interviewed eyewitnesses to the events and persons living nearby. Together with the victims of the vehicle thefts that occurred subsequent to the assault, the Joint Group prepared verbal descriptions of some of the culprits.

In another facet of its investigation, the Joint Group obtained the names of three persons having reportedly received medical treatment for head wounds in the Military Hospital on 24 and 25 February of the current year. On the basis of those concrete leads it was confirmed that two of the three persons in question had received medical treatment on the dates mentioned. An investigation was made of the situation of both assault suspects, which resulted, in principle, in the possibility of their having participated in the events being ruled out. One of the person identified is a member of the Military Intelligence Battalion posted in the Air Force, Comalapa Airport, mentioned above. The second person is a 17-year-old youth whose mother serves in the National Police.

As for the third subject, information was obtained concerning his alleged military rank, but it was not known to which branch or unit he belonged. The information was requested from the National Police and the armed forces staff. In this connection, the Joint Group notes that, for unknown reasons, the different institutions delayed significantly in furnishing the data. The same was observed regarding the request for the medical file of the person in

question, addressed to the military hospital. 44/ Ultimately, it proved impossible to locate this possible suspect, concerning whom the armed forces stated that they had no record.

The Joint Group learned that DIC had initiated its own investigation regarding the information provided to it by the Group on the armed forces Intelligence Battalion member mentioned above. Nevertheless, it was noted with some concern that from the start, the investigation proceeded without the expeditiousness warranted by the case. Two months after the Joint Group provided the information mentioned, DIC finally interviewed the person in question and determined his blood type and took his fingerprints in order to compare them with the test results on the evidence obtained from the vehicle involved in the assault. On the basis of the results of those studies, it appears that, in principle, the participation of that person in the attack can be ruled out.

(c) Conclusions

- Based on the results of its investigations, the Joint Group concludes that the events that took place on 24 February 1994 constituted an assassination attempt against Mrs. María Marta Valladares, a criminal act with a possible political motive.

- The following facts contribute toward that conclusion: the victim's past and present political responsibilities, the sequence of hitherto unexplained violent incidents that have taken place against other members of the political organization to which Mrs. Valladares belongs, and the method of operation used to carry out the attack, which necessarily implies intelligence information, organization and logistic support.

- In this regard, several aspects of the modus operandi of the assailants stand out:

1. The attack began with the stealing of a private vehicle with privacy-glass windows shortly before the act was carried out, in a neighbourhood close to the site of the incident; the assailants informed the owner of the stolen vehicle that it was their intention to return it shortly.

2. From the reconstruction of the events, it emerges that the assailants must have followed the vehicle used by Mrs. Valladares for a short time. Thereafter, they apparently took a different route to reach the actual location of the leader's home.

3. At the time of the assault, with shouts referring to the presence of known persons or targets of the act, they immediately opened fire and shot as much as they wished.

44/ Copies of the medical and dental records of the three persons investigated were requested from the military hospital. Nevertheless, after the hospital director's secretary confirmed by telephone that the three files were available, only the permission of the director being required in order to hand them over, the same person subsequently reported, without any explanation, that only two files existed. They were the files of the first two persons mentioned, but not of the third, concerning whom, oddly enough, it was said that there was no record whatsoever under that name in the hospital files. Ultimately, the two files were delivered to the Joint Group by the armed forces staff, not by the military hospital.

4. After the attack, they rapidly fled to the same exact area where they had previously stolen the vehicle that was carrying them and immediately stole two other vehicles, which they used to cover their retreat.

5. In the hours that followed the attack, an anonymous letter with threats to FMLN was found at the home of PRTC leader Edmundo López in an area not far from the scene of the incident.

6. Finally, one cannot fail to mention an incident with similar characteristics that occurred nearly two months after that attack, on 19 May 1994, in which the driver, Cruz Elías Cortez Pineda, again received a bullet wound in front of the home of Mrs. Valladares (case analysed in this same chapter).

- The Joint Group also considers it important to make the following observations concerning the work done by the State institutions involved in the investigation of this case:

1. On the day on which the events took place, the site was visited by members of various institutions competent to investigate the crime. At that time one could note an overlapping of human and material resources that was unsuitable for conducting an efficient investigation. For these reasons, it proved difficult for the Joint Group to determine exactly what was done by each of those entities in the present case and to obtain their reports and the findings of their respective investigations. 45/ this situation reflects a distressing lack of communication and coordination among the different police units, some which are not even specialized in such matters.

2. Similarly, the Joint Group viewed it as is most serious that on the day on which the events took place, members of the National Police of Mejicanos took possession of the stolen vehicle involved in the attack and removed it from the place where it had been immediately abandoned by the criminals, thus affecting the quality of the evidence that might have been obtained. The same police unit, moreover, permitted the owner of the stolen vehicle to recover it after the attack without the appropriate expert studies being performed, in particular the taking of fingerprints on the vehicle and the possible obtainment of other evidence with which to facilitate the identification of the criminals. An analogous situation occurred as a result of the intervention of members of the National Civil Police of Soyapango on the day after the assault, when the third vehicle stolen by the assailants during their flight was found and similarly returned to its owner without the proper expert studies being carried out.

3. Finally, the Joint Group feels that the State Intelligence Agency (OIE), from which information had been duly requested concerning this incident, proceeded with haste in formulating the hypothesis that the case was the work of common criminals, dismissing out of hand any possible political motivation; whereas, considering the facts mentioned above, there exists evidence that would

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45/ Technicians and investigators from DIC, the National Civil Police Antinarcotics Division and the National Police all converged on the scene of the incident. Some of the evidence was collected by members of the Antinarcotics Division, as when an officer of that Division picked up six cartridge cases of different calibres and six missile fragments, in order to turn them over subsequently to DIC personnel. As a result of this approach, the scene of the incident was altered so that it was not possible later to determine on the sketch precisely where those pieces of evidence had been found.

theoretically warrant the conducting of a proper investigation. The OIE communication referred to was sent to the Joint Group on 10 May 1994 and bore the signature of Mr. Jaime Zaldaña, OIE Chief of Relations.

In the last analysis, the Joint Group reports that it was not able, within the period covered by its mandate, to determine the identity of the planners and the actual perpetrators in this case. Nevertheless, the Group considers, with due caution, that the recent arrest of a possible suspect in connection with the second criminal attempt on the life of Deputy Valladares is an important step forward in the investigation, which must be continued without the possibility of a political motive in that criminal act being ruled out. As pointed out above, the Joint Group considers that there exists evidence that the incident in question is not an isolated case resulting from common criminal activity.

It also feels that the investigations connected with the data obtained by the Joint Group in its inquiries should be pursued further in respect of the person who received medical attention at the military hospital due to a head wound on the day on which the events took place, regarding whom the competent authorities stated that they had not found the related record.

While one cannot at present rule out the possibility that the actual perpetrators of the attack might be common criminals or have records as such, as has been said in this report, one cannot either, in the pending investigations, abandon the hypothesis that there was a political motive in the case - not, in principle, until the physical perpetrators are actually known and the possible masterminds of the attack are identified.

Typical case: SECOND ATTACK AGAINST DEPUTY MARIA MARTA CONCEPCION VALLADARES (NIDIA DIAZ), DEPARTMENT OF SAN SALVADOR

(a) Facts

At approximately 6.30 a.m. on 19 May 1994, as Mr. Cruz Elías Cortez Pineda, driver and bodyguard of FMLN-PRTC leader and now Deputy Mrs. María Marta Valladares Mendoza (Nidia Díaz), was driving unaccompanied in the vehicle used by Mrs. Valladares not long before, he was attacked with firearms by unknown persons travelling in a vehicle with privacy-glass windows. The assailants apparently also used a device that produced a small explosion.

The attack again took place in front of the home of Mrs. Valladares, in the University Residential Development, San Salvador.

After the attack, the assailants got into the vehicle in which they were travelling and withdrew from the site. Though he had repelled the attack, Mr. Cortez Pineda again sustained a minor bullet wound.

After this second attack, the targeted vehicle driven by Cortez Pineda exhibited 26 perforations made by missiles fired by the criminals.

Based on the investigations carried out, it is believed that the assailants were driving a greyish-brown Honda sedan with privacy-glass windows and with private number-plates P-161-106/88. A few minutes after the attack, a traffic accident occurred not far from the scene of the incident, involving the motor car described above and another vehicle. The occupants of the Honda sedan that caused the accident unexpectedly abandoned it, quickly fleeing the site.

The Honda sedan was reportedly purchased two days before the attack, and at no time did its owner report to the authorities that it had been stolen or lost.

The owner of the involved vehicle was identified and arrested last 12 July pursuant to an administrative warrant of arrest issued by the PNC Criminal Investigation Division. It should be pointed out that the arrest warrant was based on charges of "attempted murder of Cruz Elías Cortez Pineda" and "aggravated damage to the vehicle owned ..." by the person who had lent the vehicle to Mrs. Valladares on the day of the attack. However, on last 15 July, the person arrested was committed by DIC to the custody of the competent court in order to be tried for murder in another case: the assassination of Darol Francisco Véliz Castellanos, also an FMLN leader, on 25 October 1993, without any reference being made to the charges stated in the warrant of arrest.

On 13 July another individual was arrested by DIC on charges relating to the criminal attempt on the life of Mrs. Valladares. He was committed to the custody of the competent court, also on 15 July, with a view to the conducting of the preliminary examination, in which he denied the charges.

(b) Investigations conducted by the Joint Group

The Joint Group had access to the record of the investigations carried out by DIC as they took place. Judicial action, however, began only last 15 July, when the second of the individuals arrested by DIC was turned over to the court for preliminary examination.

From the expert ballistic study performed on the evidence connected with the attack it was concluded that as many as three firearms had apparently been used by the assailants: one 45-mm calibre and two 9-mm. It should be mentioned that a subsequent ballistic analysis was done, involving a comparison of the evidence of that nature connected with the two attempts on the life of Mrs. Valladares, and that the results were negative.

Other analyses were also done: one physico-chemical, on fragments of apparently synthetic white material collected at the scene of the events, in order to determine its relationship to some type of explosive device. The result was negative. In addition, a cigarette stub and a cigarette found in the ashtray of the Honda vehicle mentioned above were analysed, also with negative results.

On last 25 May, DIC made an extrajudicial reconstruction of the events.

On 28 May, DIC requested information from the headquarters of the National Civil Police of Santa Ana on whether one of the persons currently being held in custody, who, as stated above, is thought to be connected with the assassination of Véliz Castellanos, had ever been arrested previously by members of that police station. The Santa Ana PNC confirmed that the person in question had been arrested together with four other individuals in connection with an attempted robbery at a cement plant in Metapán. 46/ It should be pointed out that the

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46/ Firearms and vehicles were seized from these persons at the time of their capture. The police version states that one of the persons allegedly involved fled in a pick-up in which they had been carrying G-3 rifles, LAW rocket-launchers and hand grenades. According to the same version, the group's plan was to attack an armoured truck carrying money to two Metapán cement plants; what is more, the individuals are thought to be linked to an attack on another armoured truck that occurred months earlier between San Martín and Cojutepeque. The same source indicates that in order to carry out their criminal acts, the persons in question used military and National Police uniforms. The Joint Group requested information from the Ministry of Defence concerning whether the persons involved in the Metapán events were currently members of the armed forces of El

events in question occurred at 11 a.m. on the same day (19 May) as the attempt on the life of Mrs. Valladares.

According to the DIC record, the PNC of Santa Ana turned over the five arrested persons to the third magistrate's court of that city on 22 May and they were released on the same day. The judge on duty stated to DIC that his decision had been based on the fact that there did not exist sufficient evidence to warrant their pre-trial detention, at the same time declaring himself incompetent to try the case due to the fact that the events had not taken place in the jurisdiction of Santa Ana, but in that of Metapán.

Based on the DIC record, however, a confidential source confirmed the supposed participation of one of the persons involved in the Metapán events in the attempt on the life of Mrs. Valladares. The said source stated that the person in question was a member of a gang of criminals and that "to carry out the said attack they had used a red Datsun pick-up and another vehicle".

With regard to this point, the persons currently detained were positively identified by witnesses, on the basis of their photographs, as having taken part in the assault under investigation by the Joint Group.

In addition, the Joint Group carried out its own investigations, visiting the site of the incident an hour after the attack took place and conducting a visual inspection both of the scene of the incident and of the vehicles involved. At the site of the events, photographs were taken of the vehicle in which Mr. Cruz Elías Cortez Pineda was driving and of the principal evidence visible at the site, and the observations described above were made.

On the same morning, the Joint Group conducted an interview with Mr. Cortez Pineda, who was in the PRTC office recovering from the attack, after having received medical treatment. Cortez Pineda confirmed the principal events described above.

In addition, the Joint Group went to the address of the owner of the Honda vehicle in which the attack suspects were reportedly driving and obtained the identity of the owner of the said vehicle on the same morning on which the incident took place. Thus, the aspects pertaining to the purchase of the Honda vehicle on last 17 May, as mentioned above, were confirmed on the very day of the incident.

The Joint Group also investigated the possible responsibility of Mr. Cortez Pineda in the events in question, a theoretical hypothesis bandied about in some organizations. From the findings obtained in the various investigative steps, any conceivable participation by him in the events under investigation is to be dismissed.

Following another avenue, the Joint Group investigated the previous history of the owner of the Honda vehicle, currently being held in custody. Thus it was confirmed that the individual in question initially served as a confidential source in the investigation of the murder of Oscar Humberto Grimaldi Burgos, also a member of FMLN, stating that Salvador Guzmán (alias "Garrobo") was the person

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Salvador or had previously been discharged from that institution, and received a negative reply. A similar inquiry was addressed to ONUSAL regarding whether the persons in question were among the demobilized former members of the FMLN, and again the answer was negative.

who actually committed the murder. The cases of the deaths of Grimaldi and Guzmán will be found in Annex 3 to this report.

In addition, the person being held in custody states that he has a history as a member of FMLN.

The Joint Group received from ONUSAL information to the effect that the owner of the Honda motor car had stated in the presence of ONUSAL members that he had in fact participated in the events being investigated as the second attempt on the life of Deputy Valladares. However, he maintained that the only motive was to steal the vehicle driven at the time by Cortez Pineda. Yet this same person - who refused to testify before DIC - did not give the same testimony before the competent judge.

The Joint Group had the opportunity to interview separately each of the two arrested persons mentioned above. Both denied the charges.

On 15 July, the Joint Group and the National Counsel for the Defence of Human Rights were permitted to observe the preliminary examination of the second accused before the Tenth Criminal Court. Their presence was not allowed by the Second Criminal Court, however, during examination of the first accused, the owner of the Honda vehicle.

(c) Conclusions

On the basis of the investigations done, the Joint Group points out that, despite the complexity of the case, as it appears from the latest developments in the investigation, there exists sufficient evidence that one should not rule out the possibility that what is involved is a violent act with possible political motivation.

This position is based on the following factors:

- In the first place, one must consider the nature of the victim, as indicated in the analysis of the earlier assault sustained, on 24 February 1994, by the member of Mrs. Valladares' security staff. At the time of the second attack, the FMLN-PRTC leader had already been elected deputy to the Legislative Assembly for the department of San Vicente, also holding, in the Legislative Organ, the outstanding office of President of the Committee on Justice and Human Rights.

- In the second place, the Joint Group feels here again that attention must be paid to the modus operandi of the criminals: a surprise attack involving at least three persons carried out in the early hours of the morning, in front of the leader's private home, against a member of her security staff and against a vehicle recently used by her, at precisely the same spot as the other attack, which occurred less than three months earlier.

It must also be stressed that the damage caused to the vehicle does not point to theft of the vehicle as the motive for the crime. The deployment and type of arms used are also significant.

- The arrested owner of the Honda vehicle used in the attack is a person with prior police and judicial records. In public statements made after his arrest, he declared that he had participated in some way in FMLN.

His relationship with the police as informant is also known. In this connection, his testimony was the source of the information that made it possible to issue a warrant for the arrest of Guzmán Pérez (alias "Garrobo"), suspected

in the murder of another FMLN member, Oscar Humberto Grimaldi Burgos. It is significant that he is linked at present to at least four cases in which political motivation is suspected, a situation that calls for a thorough investigation in order to ascertain the responsibility of the person now in custody, the real motives behind the criminal acts attributable to him and, most important, the masterminding of those acts, in view of the nexus existing among them.

- It should be pointed out that DIC ascribes to this same person the murder of Francisco Véliz, in which context he appeared before the court. No charges were made against him in the case pertaining to the attack on Deputy Valladares' bodyguard.

- Mention must also be made of the involvement of the same person, together with other individuals, in another criminal act that took place on the same day, hours after the attack against Deputy Valladares. Indeed, he was taken into custody in Santa Ana shortly before the execution of a planned robbery of an armoured truck involving millions, detected beforehand by PNC.

- To sum up, the Joint Group deems it positive that the competent agencies advanced in their investigations to the point of actually arresting the persons allegedly involved in the events. Nevertheless, it is felt that they must proceed further with their inquiries into the motives for those events and the investigation of their possible physical perpetrators and masterminds. It is essential that the subsidiary organs, the Attorney-General's Office and the Judicial Organ should proceed in a coordinated, efficient manner, without rejecting out of hand any possible hypothesis as to the motives for such criminal acts, as stated in this report.

Typical case: SITUATION DETECTED IN THE DEPARTMENT OF MORAZAN

(a) Facts

The Joint Group received isolated pieces of information concerning the existence, in a town in the Department of Morazán, of an armed group, having ties with the local ruling-party structure, whose illegal activities reportedly pursue political objectives, though acts of common criminality cannot be ruled out.

The report also indicated that the group, made up of 11 persons, was in possession of weapons intended for the exclusive use of the armed forces, and that their actions included a campaign of intimidation and threats against the population. At the same time, certain victim types were identified as forming the group's target.

It was further reported that one of the principal leaders of the group was the justice of the peace of the town, who was supported by persons influential in local political and economic spheres (and was replaced following the investigations of the Joint Group were conducted).

(b) Investigations conducted by the Joint Group

The investigations carried yielded reasonable evidence of the operation in the said eastern locality of an armed structure whose primary motives and objectives are political and economic in character. Its operating methods include, in particular, threats and acts of intimidation directed toward the local population.

The leader of the group is said to be the former justice of the peace of the locality, who during the armed conflict joined the local civil defence as second in command, with the rank of under-sergeant.

The Joint Group has individual testimonies of citizens who witnessed the participation of the former justice of the peace in civil defence actions consisting in the summary execution of a number of persons of the municipality during the conflict. A large share of the present members of the group under investigation also belonged to the civil defence unit.

The activities of this structure were backed by one of the town's most influential families from the economic and political standpoints, one of whose members is a well-known local "boss".

The Joint Group has a number of different testimonies that point to the influence of that family over the now ex-judge and the town's politics.

Testimonies and documents have also been obtained regarding the former judge's ties to elements of the armed forces. Particularly significant is his request to deploy the armed forces in the town, recently submitted in writing, on the pretext of combating crime, and his critical stance with regard to the deployment of the National Civil Police in the area.

Similarly, the Joint Group has individual testimonies regarding a number of arms deliveries made to the former judge and his group by members of the armed forces, both during the conflict and subsequent to the Peace Accords. Recently, he also reportedly submitted a new request for arms to the then chief of the area's military detachment.

In addition, the investigation carried out reveals the following objectives and acts of the armed group, among others:

- Acts of intimidation and manipulation in the recent electoral process. There are individual testimonies concerning the alleged buying of votes and pressure on the inhabitants of the cantons to force voting intentions.

- Threats against local leaders of other political forces and against members of communities, cooperatives and development projects, and elaboration of publicity campaigns aimed at discrediting such initiatives.

- Pressure through intimidation, aimed at controlling the area's social and political bases.

(c) Conclusions

Based on the investigation conducted, the Joint Group can affirm that there is reasonable evidence of the existence, in the said locality in the Department of Morazán, of a group or structure possessing war armaments whose action is politically motivated, and that in pursuing its objectives it resorts to actions of a criminal nature.

The structure controls the political authority of the municipality, openly manipulates the local Judicial Organ (which, at the time of the investigation, is totally integrated into the structure), and interferes in the deployment and assignments of the National Civil Police.

The Joint Group is in possession of precise testimonies evidencing grave acts of intimidation and threats to which members of the political and social bases

of the town have been subject as well as campaigns carried out against development projects, communities and cooperatives connected with political and social forces opposed to the ideas of the members of the structure investigated.

This clandestine organization, which has hitherto operated with total impunity, is perfectly ready, in the view of the Joint Group, to take action, should it so deem necessary in order to defend its economic and political interests. Without a doubt, recourse to the use of violence to solve political differences persists in the strategy of this structure, posing a real menace to the climate of political stability within the country.

Typical case: SITUATION DETECTED IN THE DEPARTMENT OF USULUTAN

(a) Facts

A number of communities in a locality in the Department of Usulután reported to the Joint Group the existence in that area of a group of persons connected with the local ruling-party structure that reportedly engages in generalized acts of intimidation and threats against part of the population, at the same time acting directly to thwart social or economic development projects sponsored by other political forces.

In the same report they stated that the group has among its members prominent political personalities of the town, among them the candidate for mayor and a candidate for department deputy in the most recent national elections.

The reporting persons further called attention to the existence of a structure that directly supports the actions of that group, and might even finance it, having among its members a number of the region's economically powerful individuals, who are interested in maintaining their traditional privileges and not yielding any ground to their political adversaries.

The group, it would appear, has ties with other persons, residing outside the locality, who have histories of having directed, managed or supported "death squads" in the past. Such persons allegedly play a planning and/or logistic role in the illegal structure reported.

As in the case of the situation detected in Morazán, the report referred to a campaign of threats and intimidation, interference in the recent electoral process, a coercive presence to maintain fear among the population and manipulation of the Judicial Organ aimed at preserving the traditional impunity. It was also reported that members of the group in question used weapons intended for the exclusive use of the armed forces.

(b) Investigations conducted by the Joint Group

The Joint Group conducted a thorough investigation of the situation reported in area of the Department of Usulután mentioned. The investigation process furnished it with reasonable evidence concerning the existence in that area of a clandestine structure whose objective is to defend political and economic interests, resorting to the method of violence in the form of threats, intimidation and coercion.

Based on the investigation, it can also be asserted that there is evidence of the continued existence in the area of structures that in the past made up or sponsored "death squads". These structures appear at present to have assumed other modalities of action, in a manner in keeping with the thesis developed in this report. Nevertheless, evidence has been collected that substantiates the

existence of an organization having the necessary features (logistics, arms, financing) to enable it to remain in a latent state in order to become reactivated should its members so deem it necessary for the defence of their political and economic interests.

- **Membership of the group**

As mentioned, a candidate for departmental deputy in the last elections and the very mayor of the locality are reported to belong to the structure in question.

These persons allegedly direct a group of former members of the armed forces who publicly exhibit military weapons and serve as their personal bodyguards. The ex-soldiers are said to shadow persons who become targets of the structure.

In addition, it is reported that an alternate judge and member of the town electoral board is connected with the said structure, as well as a woman justice of the peace in the district.

Ties with members of the Judicial Organ apparently offer the group under investigation the cover of impunity it requires in order to carry on its activities.

Regarding the behind-the-scenes planning and logistic support of this clandestine group, there is evidence that they involve an ex-mayor of the municipality who is directly connected with the political control of the structure. He reportedly makes frequent trips to the locality, accompanied by heavily armed, unknown persons. On such visits he is said to hold secret meetings and he presents himself before the people with an overbearing, threatening air.

The ex-mayor controls the actions of two persons pointed out in the area as having had connections in the past, as he himself had, with the activity of the "death squads". There is evidence to substantiate the suspicion that these persons carry on illegal intelligence work for the armed forces.

A retired military man, reported in the past as being responsible for serious human rights violations, apparently visits the town at least once a month and enters into direct relations with the principal members of the structure.

As for the economic support of the organization in question, the investigations point to large landowners in the area, on whose estates are actually held some of the secret meetings alluded to earlier.

Finally, a considerable number of persons allegedly belonging to the illegal structure were tracked down; they include, among others, former members of the armed forces and the National Police.

These persons are apparently involved in various criminal activities, which still go unpunished due to the intervention of members of the local political structure and Judicial Organ having ties with the group under investigation. Some of the acts for which such persons are alleged to be responsible are murders, threats and acts of coercion against the local population, exhibition of military weapons, and offences against property, the victims of which are private persons and local development projects.

- **Objectives and activities**

The investigations conducted have yielded evidence that the organization in question is involved in direct action involving threats and other acts of intimidation against opposition political leaders and members of the area's social organizations. In addition, concrete information has been received in connection with the participation of members of this illegal group in a number of threats of death against the local parish priest.

Similarly, terroristic acts against the local population have been verified, some of which included the public exhibition of arms intended for the exclusive use of the armed forces.

This group also wages ongoing campaigns against the Peace Accords, especially in respect of the role of the National Civil Police and the land transfer programme, this latter point having a direct bearing on some of the members of the structure.

(c) Conclusions

On the strength of the investigation carried out, the Joint Group considers that there is evidence, backed up by individual testimonies, of the existence of the clandestine structure in question, operating in the Department of Usulután. The evidence relates to the identification of its components, its manner of organization and financing, the objectives pursued and the actions carried out.

Factual data has been collected that calls for further and more thorough investigation of various criminal acts against members of the local population in which members of the said illegal group are implicated.

Furthermore, evidence has been obtained concerning the possession and use of military weapons by some of the members of the group, something that creates fear and a feeling of insecurity in a large part of the local population.

The Joint Group stresses the gravity of the situation investigated, inasmuch as the facts collected point with reasonable certainty to the involvement of persons occupying local political office, members of the Judicial Organ and retired members of the armed forces.

The Joint Group concludes that a situation such as that detected in the Department of Usulután represents a real threat to the exercise of human rights and the peace process. For this reason, and on the basis of the evidence furnished by the work of investigation, further appropriate action must be taken by the competent national institutions with a view to ascertaining any possible criminal responsibility of the persons involved in this structure.

Typical case: STRUCTURE DETECTED IN THE DEPARTMENT OF SAN MIGUEL

(a) Facts

The Joint Group received reports relating to the alleged existence, in the Department of San Miguel, of an illicit organization that operates under the name "Organización Maximiliano Hernández Martínez".

According to those reports, toward the end of last year leaflets were found in the area, bearing the words: "ORGANIZACION MAXIMILIANO HERNANDEZ MARTINEZ.

AGAINST CRIME FOR A BETTER COUNTRY. AND WITH THE HELP OF THE PEOPLE WE WILL ACHIEVE PEACE."

(b) Investigations carried out

The Joint Group received from the National Counsel for the Defence of Human Rights and ONUSAL, data on reports submitted to those institutions that both confirm and supplement the information that gave rise to these investigations.

Various sources were contacted, and the existence of the leaflets mentioned was confirmed. Some witnesses stated that they had been thrown from a moving vehicle by a local political leader connected with the governing party.

The Group also learned of the existence of a set of documents found in the same area in a sealed envelope with the slogan: "ORGANIZACION MAXIMILIANO HERNANDEZ MARTINEZ - PEOPLE UNITED AGAINST CRIME MOVEMENT". Contained in the envelope were leaflets bearing the same slogan as above, though in a different type style, and a photocopy of a letter with an official letterhead in which a State official vouched for the existence of the organization "People United Against Crime" and for the person presented as representing it.

Interviews conducted by the Joint Group confirmed the existence of the letter as well as its content and origin. The factual data collected justify serious suspicions regarding the behavior of the official referred to in the case under investigation.

The Joint Group also interviewed various sources in the area, both private individuals and persons connected with official institutions and political and social organizations, who said they knew of the existence of the organizations "Maximiliano Hernández Martínez" and "People United Against Crime" and also knew of their objectives, their methods and their possible involvement in criminal activities. Those sources asserted that the two organizations were in fact part of one and the same structure.

The investigations led to the identification of a number of persons from the area who were allegedly connected with the structure under investigation, among them members of the economically powerful sectors, professionals and members of the armed forces.

The group reportedly holds clandestine meetings in which local political leaders and members of the Judicial Organ take part.

(c) Conclusions

The Joint Group considers its findings as constituting sufficiently serious evidence to warrant demanding that the related investigations should be pursued further by the national institutions having the proper legal qualifications for that purpose.

The sources that furnished the preceding information to the Joint Group are of different natures and independent of one another. Their testimonies thus constitute valuable documentation in support of the need to intensify the investigations.

It appears that the objectives of the structure in question involve, in principle, "social cleansing" tasks. This is an extremely serious situation, because it means that illegal organizations purport to take upon themselves the State's function of maintaining law and order and public safety, whereas the

State alone is responsible for crime prevention and the punishment of alleged criminals within a framework of unconditional respect for the law. Furthermore, given the history of this type of organization, one cannot rule out the possibility that its objectives might be translated into or supplemented with politically motivated acts of violence.

Typical case: THE SITUATION IN THE GUAZAPA AREA

(a) Facts

The phenomenon of so-called "armed gangs" organized in rural areas emerged at the national level during the post-war period. The Joint Group has documented the existence of approximately 80 such bands, nearly all of which are made up of former members of the armed forces, FMLN ex-combatants, former civil defence members, agents of the security bodies and persons with criminal records.

While the Joint Group is aware that no political motivation has been shown to exist in the acts of such gangs, it is important to stress the situation of economic and social destabilization that they cause and the protection they offer to other groups which may pursue political objectives and which act in the style of common crime.

In general, the gangs investigated have powerful weaponry, in some cases their members wear uniforms, and they even use portable communication systems.

Their criminal acts include threats, kidnapping, extortion, theft, assault and murder. The lack of an adequate public security response in the area and the ineffectualness of the judicial system contribute to the development of the operations of such illegal structures.

In Guazapa, specifically, the action of such gangs began toward the end of 1992 and increased during 1993 and 1994, reaching disturbing proportions.

The investigations were carried out in the general area of Cerro de Guazapa hill, which includes the municipalities of Suchitoto and Aguilares, Departments of Cuscatlán and San Salvador, respectively. Basically, the situation in the area exhibits the following characteristics:

- High level of political violence during the years 1976-1980, when armed groups belonging to the left, death squads (ORDEN) and security bodies (the National Guard) were all operating;

- Area of great conflict during the war. It was there that a front was formed in which the five organizations constituting FMLN operated;

- During the cease-fire, it was one of the zones agreed on as an area of FMLN concentration. It was also agreed that the armed forces communications base, "El Roblar", located at the highest point on the hill, would be kept there;

- Most of the large estates are included in the inventory presented by FMLN to the Government of El Salvador for the programme of land transfers to ex-combatants and settlers;

- In the final years of the war, agricultural landowners, businessmen, settlers and FMLN gradually came to terms, a process that brought relative calm to the area despite the frequent military operations. After the signing of the Peace Accords, however, a series of cases of common crime occurred, as well

as problems in land negotiation and serious conflicts among the different political parties as well as within parties;

- The Joint Group received reports of 22 cases of extortion, 6 kidnappings, 9 murders and 2 threats of death by "Los Comandos Maximiliano Hernández Martínez" and the "Maximiliano Hernández Martínez Anti-communist Army". These events occurred during the period from 2 March 1993 to 21 April 1994.

(b) Result of the investigations

Generally speaking, a number of groups are identified in the area and may constitute different gangs or possibly only one, namely the Aguilares, El Choco, Pancho, El Churro, San Salvador and Montepeque gangs. The members are ex-soldiers, former members of the security bodies and civil defence, FMLN ex-combatants and local criminals. Reports were also received concerning the involvement in such gangs of persons with histories of participation in the past in the so-called "death squads" and also concerning the alleged participation, by commission or omission, of military troops stationed at the El Roblar base.

The gangs have economic objectives. Unlike other forms of "minor" delinquency, they operate in an organized manner with knowledge of their area of action and have access to information on their victims. They operate in groups of 10 to 25 uniformed, masked, well-armed persons, sometimes carrying radio communication systems. Over the past two years they have extorted more than one and one-half million colones from their victims.

Though it was not possible to demonstrate political motives for these gangs, the effect of their actions has been to destabilize the area and disrupt the process of reconstruction. The existence of threats to and shadowing of FMLN members in the area by the said gangs has been corroborated. On some occasions, groups or members of groups have used names such as "los recontras", but the Joint Group did not find any information indicating that the gangs had a political aim.

(c) Conclusions

Despite the previous records of some members of the armed gangs, there is no firm evidence that the objective pursued by such illegal armed structures is political.

Based on the investigations made, the operation of such armed gangs is directed toward the commission of acts of common crime, the objective being the illicit gain of economic resources.

Nevertheless, the Joint Group cannot fail to note with concern the existence of this phenomenon, owing to the grave consequences that it entails. It is obvious that the operation of bands wielding military arms and evincing great logistic and operating capacity jeopardizes the safety and tranquillity of large segments of the population and, furthermore, constitutes a risk factor for the political stability of the country. Such a phenomenon must be effectively controlled in time with the necessary means and within a framework of indispensable coordination among the local population, the Judicial Organ and the police.

V. CONCLUSIONS AND RECOMMENDATIONS

A. CONSIDERATIONS REGARDING THE EXECUTION OF THE MANDATE

1. The Joint Group has exhaustively analysed the information gathered during the period covered by its mandate. The evidence thus collected, consisting of inputs of various natures and origins, is considered sufficient to establish an adequate characterization of the phenomenon of politically motivated violence in El Salvador at present. Nevertheless, evidence that would enable one to point to individual responsibilities to the extent of making it public is limited. As previously mentioned, the evidence is being delivered to the competent authorities in a confidential annex together with the present report.

2. In carrying out its investigations, the Joint Group encountered various types of difficulties and obstacles that stood in the way of its arriving at more concrete results. Its findings, it is believed, are only part of the complex phenomenon that constituted the object of the task undertaken. Without question, the subject dealt with by the Joint Group continues to arouse great apprehension in various segments of Salvadorian society, a situation that renders it difficult, if not downright impossible, to approach.

3. The Joint Group feels compelled to mention that the collaboration received did not measure up to expectations or, in some cases, promises made. This assessment applies to the official sector, political parties and non-governmental organizations and is not intended to imply that the investigations were deliberately blocked. Yet it must be recognized that in some cases an active approach that would have imparted the necessary momentum to the investigations was not forthcoming.

4. It is obvious that among the population, the wounds of the recent past connected with the drama of political violence are still fresh. Fear, mistrust of institutions charged with conducting investigations, and impunity have a decisive impact on the will of the citizens, causing them to hold back from behaviour that might bring subsequent reprisals. Unfortunately, owing to the still existing conditions of insecurity, the attitude of "looking the other way" continues to guide the responses of many individuals and institutions that might possess relevant information for an investigation of this type. This is especially true when the events or situations to be investigated are very near in time and consequently pose, for those in possession of information, far greater threats and risks.

5. The mandate given to the Joint Group was "to assist the Government in applying the recommendation of the Commission on the Truth with respect to carrying out an in-depth investigation into illegal armed groups". This mandate, despite its original operating and time limitations, was, in the opinion of the Group, duly accomplished. It is now time for the investigation and subsequent punishment of the type of criminal acts involved here to be fully taken up by the competent national institutions, with the committed support of Salvadorian society as a whole. A context in which a new National Civil Police is being built with effort and the foundations are being laid for a reform of the Judicial Organ is more than adequate for successfully meeting this immense challenge.

6. The international community provided the initial impulse for this task, which by its very nature must be ongoing and long-term. Such cooperation will no doubt continue to be offered to the extent necessary, but will be directed toward assisting permanent institutions, which must assume unwavering responsibility for

the task. The Joint Group is convinced that the new political times in which the country is living will enable the entire national community to take up a vigilant attitude toward those institutions, which will acquire their legitimacy through their actions and the results that they gradually show to society.

B. CONCLUSIONS BASED ON THE RESULTS OF THE INVESTIGATIONS

7. On the basis of the mass of information handled by the Joint Group, it can be concluded that the so-called "death squads", with the characteristics they had in the 1980s - as described in Chapter II (Background) of this report - represented a phenomenon different from the politically motivated violence existing at present in El Salvador.

8. Those structures, as organized in the past, answered to the political and social situation prevailing at the time, which is unquestionably not the same today. The Joint Group concludes that maintaining the contrary will irremediably lead the wrong way in terms of orienting investigations so as to make it possible to define the phenomenon properly today and thus be in a position to eradicate it. The conflict has ended and the overwhelming majority in terms of sectors, groups and individuals have redefined their roles in society, opting in favour of the exercise and practice of democracy as mechanisms of political action and struggle.

9. The results of the work undertaken by the Joint Group pursuant to its mandate do not allow it to present any categorical conclusions to the Salvadorian people. The Group can affirm, however, that it gathered sufficient evidence pointing beyond a reasonable doubt to the action of groups and persons who continue at present to choose the path of violence for achieving political results. That information, which identifies concrete individuals and situations, is a fundamental starting point for enabling the competent national institutions, in exercise of their legal powers, to go deeper into the investigations and, where appropriate, determine criminal responsibilities.

10. On the strength of the investigations conducted, the Joint Group feels that the phenomenon of political violence has at present its own characteristics, which can be identified, notwithstanding all the complexity of the subject. On the basis of the information gathered, it can be affirmed that there exist solid grounds for asserting that the broad network of organized crime that flails the country, in which, the evidence shows, there is active participation of members of the armed forces of El Salvador and the National Police, cannot be divorced from many acts of politically motivated violence.

To be sure, political motives do not seem to constitute the sole or even the essential driving force behind these structures, which engage predominantly in acts coming under the label of "common crime", but with a high degree of organization and infrastructure. Yet important questions arise concerning the present ties of persons earlier identified with the activities of the "death squads" to highly organized criminal structures that devote themselves in particular to bank robberies, car theft and traffic in arms and drugs, among other illicit activities.

11. The substantial change in the political situation - due to the transition from war to peace - has left no operating room for persons who participated in the armed conflict and members of the "death squads", who have had to seek other structures and <u>modi vivendi</u> to which to transfer the methods and procedures used in the recent past.

What is apparently taking place is a shift toward more decentralized structures geared primarily to common crime and exhibiting a high degree of organization. Nevertheless, those same structures no doubt maintain intact their ability to assume, when circumstances require, the role of perpetrators of politically motivated criminal acts. The process of political transition seems, then, to leave no room for structures that might be referred to as "classic"; many of their members as well as individuals who find it difficult to adapt to new conditions become a focus of new and powerful organized criminal structures. They are presumably joined by persons affected by dramatic changes in the country's institutional landscape, such as the reduction of the armed forces of El Salvador, the demobilization of FMLN and the dismantling of the old security bodies and the National Police.

12. Furthermore, to the metamorphosis of the "death squads" as a result of the peace process must be added another characteristic that appears to emerge from the investigations: the fragmentation of earlier structures. Locally, one can see signs of the action of groups that pursue political objectives, using violent means for that purpose. Such groups tend to be closely connected with acts of common crime and are characterized by a high degree of organization, logistics and the support, in certain cases, of State agents.

13. To these factors one must add another that proves to be an effect of inertia in a post-war situation, namely so-called "private political violence": in other words, the phenomenon whereby certain acts of violence occur which are politically motivated but in the commission of which neither criminal structures nor agents of the State play a role. These apparently relate more to situations in which "accounts to be settled" explain specific criminal acts. To the extent that such acts are properly investigated and punished, and in view of the spirit of national reconciliation that is flowing in from various sectors of the society, one may hope that such a phenomenon will gradually spend itself.

14. The Joint Group, in its investigations, collected information on specific situations and cases. That information includes evidence relating to the alleged participation of private persons and State employees in criminal acts that fall within the limits of its mandate. Nevertheless, as mentioned earlier in this report, the data obtained do not constitute full evidence on the basis of which one might publicly point to personal responsibility in respect of those implicated in the information received. For that reason, that information is being turned over on a confidential basis to the competent authorities in order to enable them to utilize it in accordance with the law.

15. The Joint Group concludes that, despite the great strides in the process of pacification and the efforts made by Salvadorian society to consolidate a climate of national reconciliation, there still exist data that support the well-founded suspicion that recourse to violence in order to solve political differences has not yet been definitively eradicated. The universe of cases analysed by the Joint Group yields sufficient evidence to back up that affirmation.

Political violence, either organized or in the form of "private political violence", as a way of settling old disputes is still present. The gravity of this situation demands that each and every Salvadorian, and even more so those with institutional responsibilities, make every possible resource available for the great national task of eradicating once and for all this phenomenon that has caused, and still causes, so much harm to the country.

C. RECOMMENDATIONS

16. The Joint Group deems it opportune, based on the analysis of political violence in El Salvador, to propose to the official institutions and the different sectors of society a series of recommendations intended to guarantee a proper system for the prevention/punishment of this type of crime.

17. It is obvious that the grave problem of the persistence of recourse to violence as a means for settling political differences affects the entire Salvadorian community, irrespective of political or social status. Beyond the direct victims, the country's authorities and the Government of the Republic, in particular, find themselves sorely affected in their legitimacy and their ability to bring the society together within the perspective of consolidation of peace and reconciliation among Salvadorians. The sinister phenomenon described in this report undermines the stability of the peace process and, in an endless chain, nourishes attitudes of violence, generates mistrust in democratic institutions and discourages the productive sectors.

18. As stated earlier in this report, the Joint Group expresses its conviction that a situation having the scope of that covered by its mandate requires permanent activity. Taking on and resolving such issues in a consistent manner must be guided not by time limits but by results, for which a sophisticated process urgently needs to be carried out. It will require appropriate technical and human resources and a juridical framework that grants the bodies charged with conducting it all procedural and substantive powers conducive to a consistent result. A task of this type must necessarily, by its very nature, be carried out by the competent national institutions, within a context of support and supervision by all sectors of society.

19. Here the new National Civil Police has an unusually important role. In order for this experiment, in itself a challenge, to have proper results in a situation as complex as that of El Salvador today, it is absolutely essential to provide it with the necessary resources for carrying out the job of criminal investigation in such a way as to offer the citizens the certainty that political violence and organized crime in the country will be definitively extirpated.

20. With this in view, the Joint Group considers it necessary, first and foremost, to strengthen the mechanisms of police investigation, creating within the PNC Criminal Investigation Division a special unit for dealing with the phenomenon in question. Such a unit might have the following characteristics:

(a) The criteria for the selection of its staff would have to ensure much-needed confidence among the various social and political sectors, in addition to technical efficiency in the performance of its investigatory functions. Due examination of the previous histories of the members of the unit is deemed advisable if the citizens are to have the proper trust in the special unit;

(b) Its members must receive thorough and proper specialized training, in view of the complexity of the subject with which they will be working. Politically motivated crime has special characteristics, which means that investigation must be broader than is required in cases of common criminality. For that purpose, appropriate specialized courses might be introduced within the National Public Security Academy, along with continuous updating and refresher training within the National Civil Police. In this regard, technical assistance and advanced training courses abroad might be especially useful.

(c) The special unit must also have all the requisite technical and logistic means for properly performing its task of investigation. This means not

only the support of a qualified technical crime investigation laboratory - which basically already exists - but also efficient information systems, a communications network that functions properly, transport means that match service needs and modern weapons to enable the unit to deal when necessary with situations of extreme danger. The high efficiency required of the members of the unit, in view of the nature of the material with which they will be working, and the high risk involved in that work make it advisable for the agents and leaders of such a special unit to receive a remuneration commensurate with the importance of their job.

(d) For the purposes mentioned above, the international community must render to the Government of El Salvador the necessary technical and financial cooperation, in a manner to be determined, so as to qualify the members of the special unit and equip the unit with the requisite material resources to enable it become an efficient, solid body respected by the citizenry.

(e) In the area of institutional relations, it is essential that the Attorney-General's Office fully assume its constitutional mandate to direct criminal investigations, in cooperation with the National Civil Police. Consequently, the new special unit must firmly establish a connection with that Office so as to permit efficient investigation of politically motivated criminal cases within the institutional framework. Thus, the entire State machinery qualified to conduct criminal investigations must operate in a harmonious, transparent manner.

(f) Given the grave situation faced by El Salvador owing to the activities of organized crime - a situation that constitutes a serious menace to the social and political stability of the country - and in view of what has been stated in this report regarding the possible relationship between those powerful structures and politically motivated crime, such a PNC special unit can also be highly effective in fighting organized crime.

21. With regard to the judicial system, the Joint Group feels that it is necessary to advance further with its reform so as to impart to that system the degree of efficiency demanded for trying cases of politically motivated crime. The Joint Group expresses its favorable expectations regarding the new dynamics that the Judicial Organ will acquire with the entry into operation of the new Supreme Court of Justice. In the way of more concrete mechanisms for consideration, the Joint Group strongly recommends the following:

(a) The new Supreme Court of Justice should definitively undertake a proper "purification" of the court system in respect of magistrates and judges who, based on the assessments made by the National Council of the Judiciary, have been found guilty of violations of the law or misuse of authority or do not measure up to the high responsibilities that their office implies. This will give a crushing blow to the enormous vices that have marked the Judicial Organ in recent years, the most serious of which include impunity and corruption.

(b) From the standpoint of organic law, the Joint Group considers that it is essential to adopt, within a framework of respect for due process of law and human rights, the necessary legal reforms to provide a special procedure for those cases in which there come to light criminal acts involving either alleged political motives or ties to organized crime. This would make it possible to provide, in such cases, sufficient

guarantees of the safety of any victims, their relatives or witnesses, and would at the same time constitute a clear statement of the priority accorded by the State to such situations, which directly affect national stability.

For that purpose, the Joint Group suggests that an appropriate solution would be to appoint, in accordance with the law, designated or special judges to try criminal cases of the type in question. Such a solution might be made viable through the reform of secondary legislation, especially the Basic Law of the Judiciary, the National Council of the Judiciary Act and the Career Judicial Act.

From the procedural standpoint, the legal reform should empower the Supreme Court of Justice to attribute competence to the designated or special judge in cases involving possible political motives or organized crime, in view of the serious consequences they entail for a climate of normal peaceful coexistence in the country.

The power to assign a criminal case to a designated or special judge would belong to the Supreme Court of Justice, though any interested person or institution might, in exercise of the right of petition, request such assignment. Once such assignment was made, the original trial judge would be declared incompetent and would transfer all records and documents relating to the proceedings to the designated or special judge. The trial of the case, down to its final resolution, would take place in the capital of the Republic, where the designated or special judge would set up his office.

(c) Serious consideration should be given to the possibility of issuing, for a transitory period, bounty legislation permitting release from or reduction of criminal responsibility in exchange for important, duly corroborated information containing substantial evidence for the detection and arrest of the actual perpetrators and, in particular, the persons responsible for the planning of the criminal acts referred to in this report. In a manner that must be clearly set out in the law, the authority might even order a change of identity, material support and the departure to another country of the person or persons concerned.

(d) Finally, the Joint Group stresses the need for the Judicial Organ to establish the necessary coordination with the Attorney-General's Office and the National Civil Police for laying down unified criteria for the investigation of crimes and the interpretation of the different types of evidence and establishing the formalities of extrajudicial procedures, so as to prevent the occurrence of irregularities that subsequently entail the nullity of important police operations. To achieve this, it is considered necessary to set up a permanent mechanism of high-level coordination among the hierarchies of the different organs involved in this process, possibly including, among other things, periodic refresher courses for the officials concerned.

22. The Joint Group requests the National Counsel for the Defence of Human Rights to create a technical verification mechanism relating to everything involved in the investigation of common crime in which political motivation is assumed to exist. For that purpose, the institution in question must be provided with a technical team and the necessary instrumentation, inasmuch as those resources do not exist at present.

23. The Joint Group views in a positive light the current policy of the Government of the Republic on security bodies. It is felt that, as the process of demobilization of the National Police is accelerated, the situation will evolve even more favourably, in view of the fact that the participation of members of that institution in incidents investigated by the Joint Group and in other recent occurrences connected with organized crime has been established.

Similarly, the Joint Group deems the strengthening of internal controls within the armed forces necessary with a view to preventing conduct in violation of the law on the part of any of its members and, should it occur, detecting such conduct, so that measures can be taken to turn those allegedly responsible over to the ordinary courts of law.

24. In addition, the Joint Group considers that the Salvadorian State must increase its supervision of information and intelligence activities in conformity with the new policy on such matters arising from the Peace Accords.

In this regard, it is stressed that the existence of evidence that intelligence work is being done by units of the armed forces in clear violation of the constitution is a matter of deep concern. It is obvious that such activities, in addition to being outside the legal system of the State, involve the permanent risk of being used for the political control of certain sectors of the population. What is more, as the legal framework indispensable for the indispensable supervision of an activity of that kind does not exist, the result of such intelligence work can be used by groups or individuals, either within the State apparatus or without, for the achievement of their own political interests.

The State Intelligence Agency (OIE), moreover, must assume fully its constitutional function. It is essential - for the security not only of the State itself, but also, and fundamentally, of its citizens - that the State Intelligence Agency should have the political and technical capacity to centralize intelligence concerning situations and cases such as those analysed in this report, for the proper handling of such intelligence is essential to institutional stability and the climate of peace in favour of which Salvadorians have chosen.

26. As stated before, the persistence of a situation in which violence for political ends is not properly combated and eradicated has a marked effect on the climate of pacification and reconciliation for which so many sacrifices were made by the entire Salvadorian people. The task of uprooting this phenomenon must be taken on by the entire community as a major national endeavour. At present, no one can ultimately benefit from criminal acts of this kind.

Consequently, every individual, each as befits him, must make the necessary contribution for challenging the climate of dread, insecurity and resentment that political violence generates:

- The Government of El Salvador must exercise within the State constant vigilance in order to detect possible illicit acts on the part of its employees, whether committed for political ends or connected with organized crime. This will make it possible to purge the State machinery definitively, offering the citizens an exemplary message that will generate security and trust. The different State organs (Judicial Organ, Attorney-General's Office and National Civil Police) will thus be able to shape a picture combining modernity, efficiency and firm, democratic exercise of their respective authority.

- The political parties are under an obligation publicly to declare recourse to violence permanently out of bounds, so as to discourage any of their possible adherents who may still place their trust in repudiable methods of that kind. It would be most favourable for El Salvador if the rejection of politically motivated violence were to become a theme agreed on by all political forces and those forces gave the citizens clear and definite signals to that effect. In this respect the mass media can play a crucial role.

- Social organizations and non-governmental organizations, especially those for the protection of human rights, have a unique part to play in this new phase of El Salvador's history. The laudable role of the human rights organizations during the painful years of systematic violations that the country experienced is undeniable. They must continue and strengthen that work and maintain their watchfulness over State institutions; moreover, when conditions permit, they should assume a task of coordination and collaboration in investigations and the proposing of solutions. The gravity of the subject of this report makes that essential.

ANNEXES

Annex 1

PRINCIPLES FOR THE ESTABLISHMENT OF A JOINT GROUP FOR THE INVESTIGATION OF POLITICALLY MOTIVATED ILLEGAL ARMED GROUPS

1. A Joint Group will be formed for the investigation of politically motivated illegal armed groups. The members of the Group will be the following:

   (a) Two representatives of the Government of the Republic of El Salvador, nominated by the President;

   (b) The National Counsel for the Defence of Human Rights;

   (c) The Director of the Division of Human Rights of ONUSAL.

   The participation of the National Counsel for the Defence of Human Rights and the Director of the Division of Human Rights of ONUSAL will be without prejudice to their mandates under the Constitution of El Salvador and the San José Agreement, respectively.

2. The Joint Group will have its own institutional identity and its purpose will be to assist the Government in applying the recommendation of the Commission on the Truth with respect to carrying out an in-depth investigation into illegal armed groups. The definition of illegal armed groups will be that of the phenomenon described in the recommendations of the Report of the Commission on the Truth. The investigation will cover the activities of such groups from 16 January 1992, the date on which the Peace Accords were signed.

3. The Joint Group will have the following faculties:

   (a) To organize, conduct and supervise a technical team composed of Salvadorian and foreign investigators of renowned competence, impartiality and respect for human rights;

   (b) To present a report to the President of the Republic and to the Secretary-General of the United Nations which will include conclusions and recommendations and the reports received from the technical team. The report of the Joint Group will be public.

4. The Joint Group will endeavour to adopt its decisions by consensus. However, if this consensus is not reached, the case will be referred to the President of the Republic and the Secretary-General of the United Nations for its resolution in a manner which will guarantee the effectiveness and credibility of the investigation.

5. The Joint Group and the technical team will have no jurisdictional functions and will work within a framework which will be:

   (a) Autonomous;

   (b) Impartial and apolitical;

   (c) Confidential, except when criminal acts committed by individuals or groups are uncovered. In these cases, information regarding these criminal acts will be immediately referred to the attention of the Public Prosecutor, who will carry out the appropriate investigation.

6. The Joint Group will be established on 8 December 1993 and will have a mandate of six months, during which period the members of the Joint Group will remain in office. At the end of its mandate, it will present the report referred to in paragraph 3 (b).

7. The Joint Group will have its own budget and an autonomous administration.

8. The Secretary-General of the United Nations will convey these Principles to the Security Council and will request from the Council a statement of support.

Annex 2

A. INSTITUTIONS FROM WHICH THE JOINT GROUP REQUESTED COLLABORATION

Archbishop Oscar Arnulfo Romero Christian Legal Aid Office (SJC)
Archbishopric of San Salvador
Asociación Nacional de Educadores de El Salvador (ANDES)
Asociación Salvadoreña de Industriales (ASI)
Asociación Nacional de la Empresa Privada (ANEP)
Attorney-General's Office
Central de Trabajadores Salvadoreños (CTS)
Centro de Estudios para la Aplicación del Derecho (CESPAD)
Centro para la Promoción de Derechos Humanos "Madeleine Lagadec"
Chamber of Commerce and Industry of El Salvador
Comité de Familiares de Víctimas de las Violaciones de los Derechos Humanos en El Salvador "Marianela García Vilas"
Comite de Madres y Familiares Cristianos Padre Octavio Ortiz y Hermana Silvia (COMAFAC)
Comite Permanente del Debate Nacional (CPDN)
Consulate of Canada
Defense Department of the United States
Embassy of Brazil
Embassy of Chile
Embassy of Spain
Embassy of the United Statles in El Salvador
Embassy of Venezuela
Federación Nacional Sindical de Trabajadores Salvadoreños
Federal Bureau of Investigation (FBI)
Frente Farabundo Martí para la Liberación Nacional (FMLN)
Human Rights Institute of José Simeón Cañas Central American University (IDHUCA)
Human Rights Watch/Americas
Instituto de Estudios Jurídicos de El Salvador (IEJES)
Legislative Assembly
Ministry of Foreign Affairs
Ministry of Justice
Ministry of National Defence
Ministry of the Interior
Ministry of the Presidency
National Civil Police
National Commission for the Consolidation of Peace (COPAZ)
National Counsel for the Defence of Human Rights (PDH)
National Police
National Telecommunications Administration (ANTEL)
Office of Legal Guardianship of the Archbishopric
Office of the President of the Republic
Salvadorian Human Rights Commission (CDHES)
State Department of the United States
State Intelligence Agency (OIE)
Unión Nacional de los Trabajadores Salvadoreños (UNTS)
Unión Nacional Obrero-Campesina (UNOC)
United Nations Observer Mission in El Salvador (ONUSAL)

B. MEETINGS HELD BY THE JOINT GROUP

ORGANIZATION	DATE	DETAILS
FMLN	10/12/94	Political Board
US EMBASSY	02/02/94	Mr. James Carragher, Senior Adviser
GOES-MDN	02/02/94	Gen. Humberto Corado Figueroa, Minister of National Defence
CDH-NG	10/02/94	José Morales, Lisa Magarrell, Cecilia Turcios
	15/02/94	Meeting with Deputy Sec. of State Mr. Watson and high officials of the State Department, USAID and Embassy
NATIONAL POLICE	15/02/94	Col. Samuel Cuéllar Velasco, Director, National Police, and Lt. Salinas
US CONGRESS	16/02/94	Members of Congress Dan Fisk, Dan Restrepo and Debora Hauger, Congressional Foreign Affairs Committee, Democrats, Republicans
NATIONAL CIVIL POLICE	16/02/94	Mr. José María Monterrey, Director, National Civil Police
US SENATE	22/02/94	Senator Joseph Mockley, USA
ATTORNEY-GENERAL'S OFFICE	22/02/94	Mr. Romero Melara Granillo, Attorney-General
AD HOC COMMISSION	22/02/94	Mr. Abraham Rodríguez
ANP	24/02/94	Mr. Héctor Vidal
UNOC	24/02/94	Mr. Carlos Hurtado, Miss Evelyn Zelaya
ASI	24/02/94	Ms. Liliana de Kelleman
CPDN	24/02/94	Mr. Wilfredo Marenco
FMLN	24/02/94	Mrs. Maria Marta Valladares
MDN	25/02/94	Col. René Guillermo Contreras
FENASTRAS	01/03/94	Mr. Juan José Huezo, Vilma de Castro
UNTS	01/03/94	Mr. Mario Cabrera
EMBASSY OF COLOMBIA	07/03/94	Ms. Angela de Robayo, Sec. Emb. Colombia
	10/03/94	Minister of the Interior
COPAZ	10/03/94	Mr. Rodolfo Parker (GOES), Pro tempore Coordinator Mr. Miguel Angel Sáenz Varela (FMLN) Miss Gloria Salguero Gross (ARENA) Mr. Lázaro Tadeo Bernal (PDC) Mr. Oscar Bonilla (MNR) Mr. Mario Aguiñada Carranza (CD) Mr. Víctor Manuel Valle (MNR)
CHAMBER OF COMMERCE	10/03/94	Mr. Eduardo Zablah
CHAMBER OF COMMERCE	15/03/94	Mr. Francisco Castro Funes
CHAMBER OF COMMERCE	15/03/94	Mr. Eduardo Zablah
EMBASSY OF CHILE		Mr. Diego Silva de Lara

WORK AGENDA WASHINGTON AND NEW YORK FROM 23 TO 28 MARCH 1994	24/03/94	Meetings in Washing, D.C., with United States Government officials and others, as indicated.
		1. Mr. Stephen Rosenfeld, Editorial Board of the Washington Post
		2. Senator Patrick Leahy
		3. Brian Atwood, USAID Administrator
		4. Senate Foreign Relations Committee, Senator Christopher Dodd, Ms. Janice O'Connell, Subcommittee for the Western Hemisphere, Mr. Tim Reiser, Foreign Operations Subcommittee, Republican staff members and others.
		5. Secretary of State Warren Christopher, brief formal visit
		6. Ambassador Alexander Watson, Assistant Secretary for Latin American Affairs (ARA) Mark Schneider, Assistant Secretary for International Organizations John Hamilton, Director, Office of Central American Affairs Mike Rannenberger, Assistant Office Director, ARA/CA Larry Martinez, Desk Officer for El Salvador Glenn Griffin, Assistant Desk Officer for El Salvador
		7. Specialists for Latin America, presided over by Mr. John Hamilton with the participation of the Desk Officer for El Salvador A representative of the CIA
	25/03/94	8. Mr. Richard Feinberg, National Security Council, Director for Latin American Affairs
		9. Mr. Mark Murray, Foreign Affairs Committee, Foreign Operations Subcommittee
		10. Staff of the Foreign Affairs Committee

		11. Representatives of the Defense Department and the Justice Department, FBI and ICITAP
		12. Embassy of El Salvador in the United States, Ambassador Ana Cristina Sol
		Meeting with the Minister for Foreign Affairs of El Salvador
		13. Professor Thomas Buergenthal, D.C.
		14. Congressman Joseph Moakley, Mr. Jim McGovern and Mr. John Weinfurter
		15. Congressman Lee Hamilton
	28/03/94	16. New York Times Editorial Board
		17. Meeting with the Secretary-General of the United Nations, Mr. Boutros Boutros-Ghali, and also with Mr. Marrack Goulding, Under-Secretary-General for Special Political Affairs and Peace-Keeping Operations, with Mr. Alvaro de Soto and Mr. Kofi Annan.
OIE	14/04/94	Mr. Mauricio Sandoval
NGO	20/04/94	Solidarity International
PDC	03/05/94	Mr. Gerardo Lechevalier
FMLN	03/05/94	Mr. Rolando Orellana
ANTEL	05/05/94	Mr. Paul Suster
EMBASSY OF BRAZIL	09/05/94	Mr. Frigony, Secretary, Brazil
CATHOLIC CHURCH	09/05/94	Msgr. Gregorio Rosa Chávez
FMLN	11/05/94	Corina Landaverde, Rolando Orellana, Eduardo Sancho, Jorge Meléndez and Roberto Roca, María Marta Valladares
EMBASSY OF GREAT BRITAIN	19/05/94	Mr. Michael Connors, Ambassador of Great Britain
FMLN	19/05/94	Mr. Joaquín Villalobos
CATHOLIC CHURCH	19/05/94	Msgr. Rosa Chávez

EMBASSY OF THE USA	20/05/94	Mr. Carragher, Senior Adviser
NATIONAL POLICE	16/06/94	Col. Cuéllar
NATIONAL POLICE	17/06/94	Col. Cuéllar

Annex 3

The cases presented below were examined by the Joint Group, though no new evidence was obtained that might expand or supplement the investigations previously carried out by other institutions. Nevertheless, the Joint Group feels that these cases, given the characteristics of the victims, the modus operandi of the perpetrators and the ineffectualness of State action in shedding any light on them, contain, in principle, sufficient evidence on which to base the assumption that the motive was political in nature, so that it is incumbent on the competent institutions to carry out further investigations in accordance with the powers granted them.

SUMMARY EXECUTION OF JOSE EDUARDO PINEDA VALENZUELA, 31 JULY 1992

The victim was a Deputy Counsel for the National Counsel for the Defence of Human Rights. He had actively participated in the investigation of the killing of the Jesuit fathers of Central American University (UCA) and the El Mozote massacre. On 31 July 1992, he was critically wounded in an attack in which the assailants did not take any of his personal belongings, using the victim's motor car solely for the purpose of fleeing from the scene of the incident.

After the attack, the victim's family was constantly harassed in a variety of ways.

The Commission for the Investigation of Criminal Acts carried out an investigation the results of which were sent to the judge on duty on 25 January 1993, in other words, six months after the attack. The investigation in question yielded no positive findings that might help identify the criminals or clarify the motive of the crime. Despite the fact that judicial proceedings remained pending, the Commission for the Investigation of Criminal Acts discontinued its investigations, and neither the judge nor the public prosecutor in charge of the case took any steps toward clarifying the events, a fact which calls for further investigation.

SUMMARY EXECUTION OF JOSE MAURICIO QUINTANA ABREGO, 24 AUGUST 1992

Quintana Abrego was a civilian former adviser-collaborator of S-II (military intelligence) and S-V (civilian affairs or psychological operations) of the Joint Chiefs of Staff of the Armed Forces. He had worked for military intelligence from 1979 to at least 11 September 1989. On 24 August 1992, as he arrived at his home at 1 p.m., he was forced by a group of armed men to climb into a red vehicle with windows of privacy-glass, bearing number-plate P-186-101. Approximately 15 minutes later, he was thrown out and shot in the Xotchil Development, Monserrat Street and Maquilishuat Avenue, in San Salvador. The victim's hands were tied behind him by the thumbs.

The investigation carried out by the Commission for the Investigation of Criminal Acts and the 5th Criminal Court of San Salvador led to the identification of members of a gang of attackers and car thieves reportedly having connections with members of the armed forces. In consequence, four suspects were arrested, three of whom were released owing to lack of evidence, while one is still awaiting trial. The latter, named Trinidad Chávez Monteagudo, has been recognized by three witnesses during the criminal investigation as one of the perpetrators of the crime. However, the official inquiry did not go into the motives for the crime.

The victim's family initiated an investigation in which a high-ranking military person was indicated as being involved in the crime, due to the fact that the victim had apparently been one of his trusted men. The Ministry of Defence, however, denied any organic link between the said persons. The family was constantly harassed and kept under surveillance, so much so that its members had to leave El Salvador in order to safeguard their lives.

SUMMARY EXECUTION OF VICENTE REYES CORREA, 16 APRIL 1993
KIDNAPPING AND TORTURE OF AND DEATH THREATS TO MANUEL EUFRASIO LORENZANA, 23 APRIL 1993

Vicente Reyes Correa was a trusted driver of Colonel Zepeda at Treasury Police headquarters. Since 1986, when he abandoned that security body, he had lived in Canada.

On Friday 16 April 1993 he was driving with two of his brothers along the highway from San Salvador to Santa Ana when, near the location of the former Atlacatl Rapid Deployment Infantry Battalion (BIRI), a blue van with registration number P-205005, crossed their path and forced them to stop the vehicle. The strangers headed toward Reyes Correa and, without further ado, fired on him. The victim died two days later. His brother José Heriberto was also wounded in the attack, while Adán Reyes Correa, known as "Pepa", succeeded in escaping. The latter managed to give news of the attack to Vicente's father-in-law, who, in the company of other relatives and friends, one of whom was Manuel Eufrasio Lorenzana, asked the National Police for help. The assailants stole nothing. They stalled the blue van in attempting to flee and had to abandon it. The National Police took custody of the vehicle, which had been stolen on the morning of the crime at Sonsonate.

On 23 April of the same year, a week after the murder, four hooded individuals dressed in black and armed with M-16 rifles appeared at the home of Manuel Eufrasio Lorenzana and took him out by force. They blindfolded him, tied his hand with a cord, threw him violently into the rear of the van in which they were driving and took him away. He was taken to Entre Ríos canton, Department of La Libertad, where he was threatened with death and brutally beaten inside the van. At the same time, he was questioned about his responsibility in the death of a policeman. Finally he was thrown from the vehicle. Eyewitnesses reported that the van in which the victim was tortured was followed by a grey motor car with privacy-glass windows, in which other persons were riding. One of the individuals from the van, who kept his face uncovered, threatened the witnesses present at the scene with a small firearm in order to make them withdraw.

KIDNAPPING, TORTURE AND ATTEMPTED SUMMARY EXECUTION OF GREGORIO MEJIA ESPINOZA, 23 MAY 1993

The victim was the secretary of the municipal organization of the Movimiento Popular Social Cristiano/Convergencia of Tonacatepeque. On 23 May 1993 he was kidnapped in San Salvador by unknown persons traveling in a gray Cherokee vehicle. Once he was in the vehicle, his hands were tied by the thumbs behind him and a hood was placed over his head. The vehicle traveled for approximately 30 minutes, first on an asphalt road and then on a dirt road. Upon reaching a place which the victim was unable to identify, the kidnappers locked him in a room, after removing his shoes and his trousers. From there he heard, through the wall, sounds and voices as of a person being interrogated and beaten. Some time later, Mejía Espinoza was taken to a room in which there were apparently several persons. One of the kidnappers, who

possessed detailcd information concerning his political activity and his private life, proceeded to question him. During the interrogation he was beaten, tortured with an instrument that produced burns and threatened with death if he did not "cooperate". After the interrogation, which lasted approximately an hour, Mejía Espinoza was taken away from the place in the back of a van in which there was another person, who was alive, also with his hands tied. In the van they removed the hood and covered the two persons with a piece of canvas; two individuals climbed into the back of the van and two others, into the cab. After a drive whose duration the victim is unable to determine, they made him get out on the edge of a highway. While the vehicle drove away some 50 metres, one of the individuals attempted twice to execute him with a shot in the forehead. Both times the pistol failed, and the individual moved away in the direction of the van, probably to fetch another weapon. Mejía Espinoza seized the opportunity to flee toward a nearby ravine and hide. The victim asked for help from local residents, who, terrified, only undid the cord by which his thumbs were still tied. When he returned to the highway, Mejía Espinoza realized he was in Mejicanos.

On 13 May of the same year, the victim had received a letter containing death threats, signed "NEACS" (New Salvadorian Anti-Communist Army). A year earlier he had received another similar letter signed by the same organization.

SUMMARY EXECUTION OF JUAN FRANCISCO GARCIA GRANDE, 19 to 20 JUNE 1993

The victim was a non-public member of FMLN-FPL (Fuerzas Populares de Liberación) and was involved in the logistic work of the organization. During the same period, three members of FPL logistics were victims of assaults and murder attempts and subsequently, on 19 August 1993, Oscar Humberto Grimaldi Burgos was assassinated.

In the morning hours on 20 June 1993, an examining officer of the Zacamil Battalion of the National Police and the Judge of the Criminal Court of Ayutuxtepeque removed the body of Juan Francisco García Grande from the main street of the San Francisco residential area. The victim was found in the driver's seat of his vehicle, having fallen over to the right, with a 38-calibre bullet wound through the neck from left to right. His identity papers were not found. No object of value had been taken from him.

The material circumstances at the time when the crime was committed have not been established.

In the judicial investigation, a person was indicated as allegedly responsible - a person currently a fugitive whose documentation shows two different identities. Two hypotheses put forward in the official investigation led to an order for the arrest of the person in question: (1) García Grande's vehicle hit the vehicle of the alleged perpetrator, thus triggering the reaction of the latter, who attacked the victim with a firearm; (2) García Grande was having an amorous affair with the daughter of the supposed murderer who, being offended, attacked the victim. No direct witness testified in the official investigation.

All the proceedings in the case assume that what was involved was a common crime, but the political context and the lack of clarity regarding the actual facts leave room to suspect a possible political motive.

SUMMARY EXECUTION OF JAIME REMBERTO DOMINGUEZ QUIJADA, 23 JULY 1993

The victim, a captain in the armed forces of El Salvador, was assassinated in Santa Tecla, Department of San Salvador, on 23 July 1993 by unknown persons riding in a vehicle. The circumstances under which the crime took place are unclear. Domínguez Quijada was in the company of his bodyguard and a person named Juan Ayala. According to witnesses, the assailants focussed their attack on Domínguez and the two persons accompanying him did not sustain any injury. There is some doubt as to whether the bodyguard of Captain Domínguez Quijada made use of his weapons to repel the attack, despite his testimony in that connection. Those allegedly responsible were taken into custody by the National Police for driving a stolen vehicle and for bearing military weapons. Subsequently, four of the seven detainees were released by the judge of the Court of First Instance of Puerto de la Libertad.

According to the testimony of the victim's brother, Juan Ayala had served as an intermediary in a real-estate transaction involving the victim, his former regiment commander and other persons. According to the same witness, Juan Ayala was also the person who had sold a Nissan Pathfinder vehicle to Captain Domínguez Quijada. The said vehicle was allegedly stolen from him subsequently and its whereabouts were not known for four months, until Ayala reportedly said he had seen it in the possession of UEA. The victim filed a report with the 9th Criminal Court of San Salvador for the recovery of the vehicle. Both the relatives of the victim and the Judge of the 9th Criminal Court reported death threats in connection with the murder of Captain Domínguez. The evidence available up to now leads one to assume that this was a case involving members of the armed forces of El Salvador and UEA. While there is no clearly defined political motive, there does exist evidence of the action of a criminal organization linked to the security bodies, a situation which must be examined within the conceptual context of the present report.

SUMMARY EXECUTION OF OSCAR GRIMALDI BURGOS, 19 AUGUST 1993

Grimaldi was a 37-year-old engineer, a member of FMLN-FPL who was in charge of the "letter-box" of that organization, which he ran in Managua, Nicaragua. On 19 August 1993 the victim was assassinated in the Café Latino in Santa Tecla in front of several witnesses. At approximately midnight two men arrived at the establishment, one of whom remained at the door while the other, armed with a pistol, approached the group with whom Grimaldi was sitting. Seizing one of the persons present by the shirt collar, he asked to whom the black car parked outside belonged. One of the witnesses reported that at that point Grimaldi took his briefcase, which was on the bar, and pulled out his pistol. The stranger then fired at Grimaldi, who fell to the floor without using his pistol. When the victim was on the floor, the stranger fired at the victim, lodging five bullets in his body and one in his head. The witnesses state that the assassin acted with absolute precision and calmness.

The strangers had reached the location of the crime in a microbus whose driver had been forced to carry them together with the passengers, and fled in the same microbus.

It is striking that two members of the logistics service of Fuerzas Populares de Liberación (FPL) were murdered in a lapse of two months in acts allegedly attributable to common crime.

In the characteristics of this assassination one would seem to descry the intention to dissimulate a political crime as a common crime by the alleged use of hired assassins as the actual perpetrators.

As mentioned in the presentation of the case pertaining to the second attempt on the life of Deputy María Marta Concepción Valladares (Nidia Díaz), the Criminal Investigation Division (DIC) of the National Civil Police (PNC) recently arrested a person who opportunely furnished information that led to the identification of Salvador Guzmán Pérez (alias "Garrobo") as the alleged murderer of Grimaldi. As mentioned further on, "Garrobo" was executed days after the death of Grimaldi, when an order for his arrest had already been issued in connection with this case.

The related investigation is still in progress.

SUMMARY EXECUTION OF FRANCISCO VELIZ CASTELLANOS, 25 OCTOBER 1993

The victim was a member of the Political Committee of the Revolutionary Party of Central American Workers (PRTC) (FMLN). On 25 October 1993, he was approached by two armed individuals after he stepped out of his car in order to leave his daughter at a day-care centre in the University Residential Development, San Salvador. One of the assailants shot him in the head, resulting in his immediate death. The criminals fled on foot to a cross street, where they entered a red van with privacy-glass windows that was waiting for them, in which they left the area. A number of persons took part in the operation in addition to the actual perpetrators, with the support of several vehicles. The crime was committed in the presence of numerous witnesses in an area in which agents of the National Police were present, a fact that did not alter the attitude of the assailants, who appeared calm and sure of themselves at all times.

For about a month the victim had been leaving his daughter at the day-care centre every day at 7.30 a.m. Véliz' wife stated that for approximately a month she had noticed constant surveillance near their house, which had grown more intense a week before her husband's murder. On the day of the crime, she noticed that, when her husband went out with their daughter in the morning, they were followed by a brown vehicle. She also stated that the telephone of their house had been tapped for some time.

The director of the day-care centre also reported that there was surveillance activity at that establishment and that she was constantly shadowed. The investigations conducted by ONUSAL and the National Police led to the identification of an administrative sergeant of the armed forces of El Salvador as the shadow. It should be mentioned that many children attending that day-care centre were children of active FMLN members or FMLN sympathizers.

Given the characteristics of the victim, the size and nature of the operation mounted for the assassination (shadowing of the victim for at least a month prior to the crime; surveillance of the day-care centre and shadowing of its director; surrounding of the area and logistic support on the day of the incident; behaviour of those participating during the operation), the weapon used and the place where the events took place, it can be affirmed that this was a politically motivated assassination.

As mentioned in this report, the Criminal Investigation Division of the National Civil Police recently arrested a person who was then turned over to the custody of the competent court on charges of having participated in the

execution of Véliz. That person, however, had originally been arrested in connection with the second attempt on the life of Deputy María Marta Concepción Valladares (Nidia Díaz).

As in the Grimaldi case, the inquiry into the execution of Véliz Castellanos is still in progress.

SUMMARY EXECUTION OF SALVADOR GUZMAN PEREZ, 26 OCTOBER 1993

Guzmán Pérez (alias "Garrobo") had been identified by investigations as the possible physical perpetrator of the Oscar Grimaldi crime on 19 August 1993. His body was found at about 8 p.m. on 26 October, riddled with .45-calibre bullet wounds from shots fired into a vehicle from the outside.

According to the testimony of the victim's wife, a person whom the victim knew but had not seen for a long time appeared at the house to invite Guzmán to see a vehicle for negotiation, which was on the Comalapa motorway. According to the same version, Guzmán took his 9-mm pistol with him due to the fact that he did not trust his companion.

Witnesses state that Guzmán and his companion drank a beer in an establishment close to the scene of the crime and left with three more beers which, on the initiative of the person who was accompanying the victim, they took to another individual who was in a vehicle. After that, six shots were heard, and Guzmán was found lifeless in the same waiting vehicle. The victim's 9-mm pistol was not found.

The victim was assassinated on the same day on which he failed to keep a third appointment made with ONUSAL, with which he had agreed to testify concerning the Grimaldi Burgos crime. A witness to the crime testified that there was a certain likeness between Guzmán and the person who had fired at Grimaldi a few days earlier.

Apparently, the person who went to fetch Guzmán at his home on the day of his assassination left the country for Belize or Mexico, assisted by another individual. According to the examining officer of the National Police, both men belonged to a gang of car thieves.

As mentioned in connection with the previous two cases, a person currently under arrest whom the Criminal Investigation Division of the National Civil Police had originally implicated in the second attempt on the life of Deputy María Marta Concepción Valladares (Nidia Díaz) and who was subsequently handed over to the competent court in connection with the execution of Francisco Véliz Castellanos, was the person who served as informant in identifying "Garrobo" as allegedly involved in the Grimaldi murder.

SUMMARY EXECUTION OF JOSE FRANCISCO RODRIGUEZ MELENDEZ, 2 NOVEMBER 1993

The victim was an infantry lieutenant in the armed forces of El Salvador, belonging to the General Direction of Recruitment and Reserves. At about 3.30 p.m. on 2 November 1993, while in the company of a woman in his private vehicle, parked on 18 Av. Norte, almost at the corner of 25 Oriente, in the Rodezno residential district, he was killed by gunshot by two men who emerged from a red van with privacy-glass windows.

The investigations yielded evidence on which to base the initial hypothesis that the crime may have been connected with a group of officers of the armed forces involved in illicit operations. One source stated that the victim had

ties with "death squads" during the period when he was a member of the National Guard. The same source stated that Rodríguez was allegedly connected with drug trafficking, vehicle theft and manipulation of accounts of the Direction of Recruitment and Reserves and the Recruitment and Reserve Office of Apopa.

SUMMARY EXECUTION OF MANUEL DE JESUS ACEVEDO AND REMBERTO ANTONIO LOPEZ, 8 NOVEMBER 1993

Manuel de Jesús Acevedo was a demobilized FMLN member and a member of PRTC (FMLN) and had served as driver of María Marta Valladares (Nidia Díaz) and of Francisco Jovel (Roberto Roca) - both leaders of the same political party - until six months before he was murdered. At 6 p.m. on 8 November 1993 the bodies of Manuel de Jesús Acevedo and Remberto Antonio López were found on the north side of a basketball court in the Las Margaritas residential district, El Limón canton, Soyapango. Both had bullet wounds in the cranium, with a tattoo in the case of Acevedo, but on the basis of the results of the autopsy, López died hours later than Acevedo. Furthermore, a witness stated that in the area where the corpses were found, he had heard only a single shot.

Acevedo's wife stated that her husband had left home to go to work on 6 November of that year and that she had not seen him again since. The woman had therefore filed a report with the Military Police and the National Police of Soyapango, with negative results. Furthermore, she stated that she was not aware of any link between her husband and Remberto Antonio López.

Acevedo's wife had been the victim of threats connected with her work as Secretary of Electoral Affairs of the Soyapango FMLN. At 9 a.m. on 5 November of the same year, she had been intercepted by a red Honda Civic vehicle from which two individuals stepped out and pointed pistols at her, threatening to kill her if she did not give up her work. At dawn on 7 November, she heard a vehicle stop in front of her home and heard the individuals who alighted from it repeatedly kick the door of her home. As the vehicle moved away, she heard a burst of shots. At 11 p.m. on the same day, the incident repeated itself.

With regard to Remberto Antonio López, an eyewitness stated that on the day of the crime, in the vicinity of a beverage depot in that city, he saw a group of 10 to 12 persons, whom he recognized as the area's guards, beating two persons whom he was unable to identify. One of them attempted to flee, but was stopped by a bullet fired by one of the guards. Immediately after, a camper vehicle arrived at the site carrying members of the National Police, who, after verifying the events and identifying the guards, apparently put the dead man in the van and headed toward the place where the two corpses were later found.

Based on the evidence gathered, it would appear that these two executions were unrelated and that the members of the National Police, knowing the place where the body of Acevedo was lying, deposited the body of López there, presumably in order to foil the investigation.

SUMMARY EXECUTION OF JOSE GABRIEL QUINTANILLA, 3 NOVEMBER 1993 (THE VICTIM DIED ON 23 FEBRUARY 1994)

Quintanilla was FMLN coordinator for the municipality of San Jorge, Department of San Miguel. He was wounded at approximately 5 a.m. on 3 November 1993, when, on his way to work, he was attacked by three persons dressed in black. He died on 23 February 1994 as a result of the wounds received on that occasion. The attack had all the characteristics of an

ambush, and Mr. Quintanilla testified after the attack that he was convinced that they were waiting for him. According to witnesses, the perpetrators were persons who were familiar with the place, since they fled via a small road that leads to the road to San Jorge, which is unknown to outsiders. No object was stolen from the victim. He had neither received threats nor noticed any strange persons in the area during the period preceding the attempted execution.

A witness testified that he had identified two persons near the place moments before the incident. The persons in question deny having committed the crime and have been arrested for other crimes unrelated to the attack on Mr. Quintanilla.

Despite the time that elapsed between the attack and the death of Mr. Quintanilla, no measures were taken for a thorough investigation of the incident by the police or by the Judicial Organ.

SUMMARY EXECUTION OF JOSE ISAIAS CALZADA MEJIA, 24 APRIL 1994

Calzada Mejía was an active member of FMLN-ERP (Ejército Revolucionario del Pueblo) and had acted in the last elections as president of vote receiving board No. 3954 of Jicalapa on the day of the second ballot. During the armed conflict he had belonged to the Unión Comunal Salvadoreña; he was not an armed FMLN militant and was not demobilized.

He was assassinated at approximately 11.40 p.m. when returning alone to his home after the day of elections, along a rural road. His killers were awaiting him, posted on the road, and fired at him, causing five bullet wounds, including one in the head, and then slit his throat, apparently with his own jackknife. A number of sources reported that two or three men took part in the crime, a testimony that is corroborated by the study of the place and the events and of the impacts received by the victim. Other sources apparently point to previous intelligence work and the presence of a van with privacy-glass windows that was used by the criminals. The physical execution would suggest that it was the work of professional killers.

During the electoral day the victim had verbal confrontations with his fellow board members, who subsequently stated that they considered them normal. Calzada Mejía's wife also stated that he had had some problems with local inhabitants in connection with the subject of land.

The activity of the magistrate's court of Jicalapa in investigating the crime is clearly deficient and can lead to the suspicion that the objective pursued is to cover up for the culprits.

The crime exhibits elements on which to base the assertion, in principle, that its motive was criminal, given the date on which it occurred, the capacity in which the victim was acting and the <u>modus operandi</u> of the perpetrators.

Annex 4

The cases contained in this annex were reported to the Joint Group as politically motivated criminal acts. The Joint Group was unable, within the time limits of its mandate, to obtain evidence that would either substantiate or disprove that character. Nevertheless, in consideration of the seriousness of the reporting institutions or persons, it is the view of the Joint Group that the competent State organs should pursue the investigations further wherever new evidence might arise in connection with these cases.

SUMMARY EXECUTIONS AND EXECUTION ATTEMPTS

NAZARIO DE JESUS GRACIAS

2 March 1992. The victim was a trade-unionist, domiciled at the Federación de Asociaciones y Sindicatos Independientes de El Salvador (FEASIES) in San Salvador, where he served as a guard. He was found dead at the headquarters of that trade union at 8 a.m. The body showed multiple wounds from a cutting blade, and the manner in which the body was found lying indicates that he was tied and blindfolded before being killed with a machete. Witnesses at the union site and local residents reported a strong presence of members of the former National Guard near the scene of the incident on the days preceding the crime and during the night on which it was committed. The victim had received a number of death threats, both from the First Infantry Brigade and from the National Police, the last of which had taken place three days before the murder. Both FEASIES union members and the victim's family received multiple threats after the crime. Gracias had been captured by the First Infantry Brigade on 21 October 1991 in the centre of San Salvador, turned over to the National Police, and released after three days, following direct intervention by ONUSAL. The preliminary proceedings relating to the crime were, once again, totally inadequate. No photographs were taken, nor was a sketch made of the site. The judge refused to call the police, did not perform the thorough examination of the corpse prescribed by law, and withdrew from the site without ordering the closure of the area adjacent to the body. Thus, many persons entered the room in which the body had been found. The case was turned over to the judge of the court of first instance on 23 March, or in other words 21 days after it was opened, which is in violation of a number of legal precepts.

SERGIO CONRADO SANDOVAL

28 July 1992. Sandoval, a merchant by profession, resident in the city of Sonsonate, was a member of the Asociación de Desarrollo Campesino, Obrero y Artesanal. He was murdered in his home in the city of Sonsonate by three armed men in civilian garb. An eyewitness affirms having seen a military vehicle with six uniformed soldiers circulating on two occasions in front of the victim's home, examining it. It subsequently headed for the barracks of Military Detachment No. 6 (DM-6). Almost immediately a motor car carrying the three assailants arrived. The mother of the victim witnessed the events and identified the person who had killed her son as a sergeant belonging to DM-6. Various proceedings for identification by the victim's mother apparently failed to materialize due to the attitude taken by the military authorities in the effort to impede them. Ultimately, the authorities of DM-6 considered the accused sergeant a "deserter". The reporting persons indicate that the accused and his companions were warned by their superiors that the National Police was looking for them.

TOMAS REYES MARTINEZ RAMOS

7 August 1992. The victim, who was officer-in-charge of the Reconstruction Committee of the FMLN south-east zone, was returning to his residence in San Salvador when, as he reached home, three men armed with G-3 rifles alighted from a taxi and ran toward his vehicle, firing at it. Faced with the imminent attack, Reyes Martínez backed up, thus managing to escape unharmed. According to witnesses, 30 minutes after the attack, two vehicles arrived, one of them having four-wheel drive and privacy-glass windows. A person emerged, looked for the cartridge cases and asked how many shots had been fired. The victim had apparently received threats from a person in military service in the Department of Usulután weeks before the attack.

FREDDY FERNANDO TORRES PORTILLO

21 February 1993. The victim was an FMLN political leader of the municipality of Mejicanos, San Salvador. At approximately 2 a.m. on the day of the incident he was with his brother-in-law, when an acquaintance approached and told him that he needed to speak with him. They left on a motorcycle driven by the victim; 15 minutes later, the friend returned and informed Torres' brother-in-law that Torres had just been shot in the head in Libertad Park. The victim did in fact die of a wound in the preauricular region on being taken to hospital. According to a report by his relatives, on 2 January 1993 he had been attacked with a knife. The friend with whom Freddy left on the day on which he was murdered is apparently a National Police collaborator in "civic actions" who actually possesses an identity card showing him to be a policeman. According to testimonies by the victim's family, Torres had disappeared in 1986 and was later found being held under arrest by the Treasury Police. Torres had allegedly affirmed that the "friend" in question had been present in the torture sections during his arrest.

The person suspected of committing the crime was arrested by the National Police and released three days later. The record of the investigation carried out by the National Police has reportedly disappeared and, oddly enough, the official in charge of the investigation has been transferred to a different post. The case was tried by the Fifth Magistrate's Court of San Salvador, which confined itself to receiving the findings of the autopsy. Thereafter, the proceedings were turned over to the Fifth Judge of the Criminal Court, but the investigation has apparently been brought to a standstill, no findings being reached.

JOSE MAURICIO PALOMO VELASCO
JUAN GUALBERTO ARAUJO CARDOZA
JUAN MOLLA BONILLA (WOUNDED)
ALEXANDER ANTONIO PALMA MOLINA (WOUNDED)

14 April 1993. At approximately 10 p.m. on the said date, four masked individuals armed with M-16 and AK-47 weapons entered Comunidad La Fosa (San Salvador) and machine-gunned a group of persons playing cards in the Esmeralda Section, Passage D, No. 4, of that residential community. Palomo Velasco and Araujo Cardoza died and Molla Bonilla and Palma Molina were wounded. The assailants left a note next to the bodies: "Executed for belonging to organized mafia gangs, since the police do nothing to help honest people. (Signed:) THE ANGELS OF DEATH will finish off the entire La Fosa mafia". Five minutes later, members of the Zacamil National Police arrived, without being notified, saying that they had heard the shots. The police arrived via the same passage through which the criminals escaped and, according to all testimonies, would have to have passed them on the way, but the policemen reported nothing and arrested no one.

The neighbouring residents affirmed that the victims were honest people liked by everyone in the neighbourhood. Owing to the characteristics of the operation and the note left by those responsible for it, the incident is reported as a case of "social cleansing".

HECTOR MANUEL CONTRERAS

6 May 1993. Foreman of the San Ramón plant. Six men who presented themselves as members of the armed forces of El Salvador, saying that they were going to conduct a search, murdered the victim in the San Ramón plant, at Ahuachapán. Contreras' woman companion stated that he had received death threats on the day preceding the incident, signed by "The Angels of Death" and demanding 8,000 colones, justifying their demands on the grounds of abusive conduct of the foreman toward the plant's workers. After the murder, the victim's companion received an anonymous letter stating that the investigations should not be continued, at the risk of her suffering the consequences.

JOSE BUENAVENTURA VASQUEZ

8 June 1993. Aged 36 years, Press and Advertising Secretary of the Maintenance Staff of the Department of Urban Planning and Architecture (DUA) of the Workers' Association of the Ministry of Public Works (ATMOP). At approximately 9 p.m. on the day mentioned, the victim left his home situated in Jinucoi canton, Cojutepeque district, Department of Cuscatlán, heading for a flat located in the Colonia Santa Bárbara residential area, Santa Cruz Michapa district, Department of Cuscatlán. Vásquez was in the habit of going on foot to the said dwelling via a local road that joins an unnamed passage which emerges at kilometre 30 1/2 on the Pan-American Highway, in the neighbourhood of which Colonia Santa Bárbara is situated. While Mr. Buenaventura Vásquez was heading toward the place mentioned, on issuing from the said passage he was intercepted by a group of unknown persons who proceeded to execute him on the spot, firing a shot into the back of his head and leaving the body lying on the said site. The victim's body was found early the following morning. ATMOP executives stated that the crime was an act of reprisal against the employees of the Ministry of Public Works and the said trade-union association for having staged a strike in the Ministry several months earlier, demanding greater work benefits.

MONSIGNOR PEDRO JOAQUIN RAMOS UMAÑA

26 June 1993. The victim, a military bishop with the rank of colonel in the armed forces, was proceeding along the road from Comalapa Airport to San Salvador in a vehicle, together with other persons. At approximately 8.15 p.m., at kilometre 37 1/2 on that road, the vehicle was fired on and Monsignor Ramos died of the wounds. Various institutions that investigated the incident reached different conclusions regarding both the motive and the identity of the murderers.

GLADYS GUTIERREZ CARRANZA

2 July 1993. The victim was walking from her home in Tepetitán canton to Verapaz. When she reached the place known as La Arenera, a woman riding in a blue van with black stripes and privacy-glass windows called to her and forced her into the vehicle. She was blindfolded and taken to a rural house with adobe walls. There she was kept with her hands tied, beaten, deprived of food and questioned concerning the life of Alirio Javier Marroquín, the reason being that the victim had lived three months with Marroquín's family. They asked her whether he still belonged to the guerrilla forces, what post he occupied, etc. During her captivity she observed that her captors used military terminology

among themselves, parading their authority during the interrogations. They released her on 4 July 1993 to seek information, giving her a period of eight days for that purpose.

CESAR AREVALO GUILLEN

4 July 1993. This former ARENA (Alianza Republicana Nacionalista) mayor of Teotepeque had joined FMLN six months before the crime. At approximately 7.15 p.m. on the day of the incident, four men with their faces covered, dressed in dark clothes and carrying small arms, arrived at Arévalo's shop killed him. The assassins escaped on foot, taking neither money nor any objects from the shop. According to Arévalo's wife, Arévalo had previously received threats. One of the suspected murderers was identified and arrested - apparently a person who was a member of the Atlacatl Battalion.

ANTONIO NOLASCO GUANDIQUE

5 July 1993. Member of ASTTEL (ANTEL trade union). In the early morning hours on 5 July, three individuals arrived at his home, located in the Santa Mónica real-estate development, municipality of Usulután, and knocked at the door asking for water. When there was no answer, they fired at the dwelling with heavy-calibre weapons. Only material damage resulted. The individuals also shouted that they would burn the house down and that they wanted money. According to the person reporting the incident, they were wearing military uniforms.

CARLOS ALBERTO HERNANDEZ

15 July 1993. The victim is an employee of the Ministry of Public Health and a promoter of grass-roots committees. At approximately 5.30 p.m. on the day of the incident, he was travelling by motorcycle along the Pan-American Highway from San Martín to San José Guayabal, Department of Cuscatlán, when two or three men came out onto the middle of the road and began to fire at him. Hernández fell wounded from the motorcycle and pretended to be dead. The aggressors took a satchel filled with documents but did not search the victim's clothing for money. Between the victim and a local mayor, a situation of confrontation has apparently existed since Hernández began to support the organization of the inhabitants into committees. This appears to have affected the interests of the mayor and of other powerful local groups, as a result of which the latter mounted a campaign of denigration against Hernández, accusing him of "being on the side of the guerrilla forces", as well as against the actual health unit.

LEONIDAS JAIME SOLANO CRUZ

21 July 1993. The victim, an FMLN collaborator, was intercepted by four individuals in civilian dress when returning to his home in Colonia La Milagrosa, at kilometre 8 on the Troncal del Norte road. He was found dead, having been tortured, at kilometre 11 of the same road. The investigation of the case was begun by the First Magistrate's Court of Ciudad Delgada on the day after the incident.

CARLOS ALBERTO LARA MOLINA AND ADRIAN LARA

23 July 1993. An individual with his face covered, dressed in camouflage trousers, entered the home of the victims' family armed with a rifle and began to fire, killing the two men and wounding other members of the family. Adrián Lara was an FMLN member and had participated in the taking of a school (Rosario, La Paz) on an unspecified date. The judge ordered that no autopsy should be

performed. Cases of death threats were also reported in connection with the taking of the school. First Criminal Court of Zacatecoluca, case No. 263/93. No autopsy was done.

ANGEL HENRIQUEZ ALFARO

4 September 1993. The 56-year-old victim was a farmer and FPL-FMLN officer of in the hamlet of Chilamas, San Francisco El Jiote canton, Zaragoza municipality, Department of La Libertad. He was murdered in his home by two individuals who fired at him point-blank with a rifle after tying and blindfolding him. A neighbour who happened to be on the premises was also tied and blindfolded, but was not fired at. However, the victim's living companion was wounded by one of the men, who was wearing an FMLN neckerchief over his face, when she told him that she recognized him. In fact, the witness affirms that the aggressor was a member of the navy at Puerto La Libertad. On two previous occasions, members of the National Police had searched the victim's house. On the second occasion, the policemen told him that he should present himself the following day at the National Police station of Zaragoza and that if he failed to do so, they would come and get him at night. Henríquez did not keep the appointment and reported the event to the justice of the peace of Zaragoza. The National Police acknowledged the illegal action of two of its members and transferred one of them. The justice of the peace of Zaragoza, who was in charge of the identification of the body, did not order any autopsy to be done. Nor did he order the arrest of the individual recognized by the victim's living companion, an eyewitness to the crime.

JOSE SANTOS VAZQUEZ

14 September 1993. Five heavily armed men appeared at the victim's home; when they did not find him, the strangers deployed about the house in order to await him. An hour later, Santos Vázquez arrived home and was caught by the group of men, who, without further ado, took him outside the house and executed him. The victim was engaged in the opening of FMLN premises in the canton where he lived and had received threats. Witnesses identify the foreman of the farm on which Santos Vázquez was employed as the person who had gone to the National Police to report the victim as a "Communist". Other witnesses recognized members of the same security body among the murderers. The judge has not yet summoned the reported possible suspects.

VILMA DIAZ DE TORRES

20 September 1993. The victim is a local official of the International Organization for Migration (IOM). Her husband, Víctor Manuel Torres Ruiz, is director of a programme of the non-governmental organization REDES (Réseaux pour le dévloppement du Sud), financed by the European Community. At approximately 3.15 p.m. on 20 September 1993, unknown persons threw a grenade at the victim's home, situated at Colonia and Av. Lisboa, San Salvador. Several witnesses saw two persons running east on Av. Lisboa. On 15 September 1993 Mrs. Torres had picked up, in the yard of her home, an envelope bearing the words "san miércoles 15" and containing a handwritten note warning her that she would soon have an accident. The Torre and Díaz families played an active political role in the country.

MANUEL DE JESUS MELGAR SALAZAR

6 October 1993. The victim was a former trade-union leader. He was shot down in the Santa Cruz residential area in Chalcuapa, Santa Ana, by three unknown armed persons, one dressed in civilian clothing and two in black uniforms, who went to find him at his home. Melgar had recently been dismissed from his job at the Granja Santa Cruz (farm) owing to telephone threats received by the enterprise to the effect that, if he were not dismissed, reprisals would be taken against the farm.

HUMBERTO SOLORZANO CEREN

6 October 1993. The victim, a 26-year-old former soldier in the Second Infantry Brigade, belongs to the Association of Demobilized Personnel of the Armed Forces of El Salvador (ADEFAES). On the night of the attack, he was intercepted on the old road to San Salvador, near his home (Colonia "El Mora"), by three armed individuals who fired at him point-blank, took his identity documents, and left him there as dead. Members of the ADEFAES stated that the attack had to do with the fact that, since the start of the association's activities, they have kept under close watch by the intelligence service of the Second Brigade. On the day of the attack, while the former soldiers were receiving technical training in the Second Brigade, an ex-colonel ("purified" from the armed forces of El Salvador, according to the report of the Ad Hoc Commission) appeared there, exhorting the demobilized persons to join a new association (the "Independent Patriotic Association"), founded by himself. The former military man reportedly mentioned a number of members of ADEFAES, including Solórzano Cerén, as "connected with FMLN", at the same time uttering threats against them.

EUSEBIO CERRITOS DUARTE

12 November 1993. This 36-year-old labourer and former civil defence member was intercepted by a number of persons and taken to his home in Casas de Teja canton, Santa Ana. His body was found the following day, with numerous bullet wounds, with the hands tied behind the back and the head smashed. At the site, 17 M-16 cartridge cases were found.

SAUL ANTONIO ALAS

29 November 1993. The victim was kidnapped in the San Rafael residential quarter by armed men dressed in civilian garb who put him into a white car with privacy-glass windows. He was executed the same day on which he was kidnapped, at the entrance to the Batista estate, Santa Lucia Los Palones canton, Panchimalco. Eyewitnesses testify to having seen a white car with privacy-glass windows from which three individuals alighted and fired at a blindfolded man whose hands were tied. The victim had been a PRTC combatant until 1985 and was arrested at Mariona in 1986, presumably on political grounds. He later joined the Treasury Police as detective and was apparently employed by that security body until its dissolution in 1992.

JOSE ALFREDO PORTILLO

30 November 1993. The victim, a farmer and demobilized FMLN member, was working in a field on the Sicasa farm, Las Piscinas hamlet, near Mercedes Umaña, Usulután, when two hooded persons armed with M-16 rifles fired at him, causing his death. The investigation of this case is being conducted by the court of first instance of Berlín, but as in the other cases, the particularly slow rate at which the matter has been dealt with by the judicial authorities must be

stressed, inasmuch as the last proceedings carried out date from February of the current year.

JOSE MARIO LOPEZ ALVARENGA

9 December 1993. Ex-commander of FMLN-PRTC, a member of that party and candidate for the Central American Parliament (PARLACEN). On the day of the incident, the victim left his workplace at the University of El Salvador, accompanied by one of his bodyguards, in order to visit his son. On reaching the destination, at approximately 10.20 a.m., he was attacked by three individuals who fired at him with guns, fatally wounding him and also wounding his bodyguard. At the time of the attack against López, one of the assailants had just attacked an 82-year-old woman, stealing from her 2,000 colones which she was carrying. A number of assessments of this case have been presented, based on the investigations carried out by various institutions.

RUBEN EDUARDO VANEGAS
SANTOS VANEGAS
LORENZO CABRERA
ALIAS "ROGELIO"

29 December 1993. Four individuals armed with pistols arrived at the home of Rubén Eduardo Vanegas, El Cedro farm, Ochupce canton, Department of Santa Ana. The strangers knocked on the doors, calling out to their victim and announcing that they had come to kill him. The 87-year-old grandmother of Rubén Vanegas, Santos Vanegas, was shot to death by the strangers while discussing with them. The husband of Mrs. Santos Vanegas, Lorenzo Cabrera, attempted to assist her and was also murdered. Rubén Vanegas came out of the house in order to prevent the killing from continuing and was shot to death, after which his throat was slit. After that, an "M" was drawn on his chest. The wife of Rubén Vanegas states that she witnessed this multiple execution, hidden beneath some bushes, and assures that she knows one of the assailants.

SIMEON DE JESUS CARTAGENA PINEDA
BLANCA PATRICIA PEREZ CABRERA
MARIA MERCEDES PEREZ

10 January 1994. Cartagena Pineda was a member of FECORACEM (Federación de Cooperativas de la Reforma Agraria Región Central). On the morning of 10 January 1994, three individuals arrived at his home in the Las Moras de Colón residential district in La Libertad, asking for him. The strangers fired at members of the family, killing Cartagena Pineda and his stepdaughter, Blanca Patricia. Mrs. María Mercedes Pérez was wounded. The strangers fled to two cars that were awaiting them (a white van with privacy-glass windows and a red car). Cartagena Pineda was a promoter of the Santa Lucía Orcoyo cooperative, in which he championed the non-parceling of community land, in opposition to the position of the Salvadorian Institute for Agrarian Reform (ISTA). In October 1993, he received a paper containing death threats. The proceedings in the present cases were instituted by the justice of the peace of Colón and are currently in the hands of the First Criminal Court of Santa Tecla.

ISMAEL BERNARDINO SION

7 February 1994. This open FMLN militant and community leader in El Cerrito canton, municipality of Nahuizalco, was assassinated by three hooded individuals who arrived at his home in the said canton, at 8.30 p.m. The assassins demanded that the victim hand over his money, otherwise they would kidnap his daughter. They then fired point-blank at the right side of his head. His was the only

house in the area where the criminals appeared, a fact that does not suggest a pattern of common crime in the area. The community of El Cerrito had reported death threats from former civil defence units.

MARIO SERRA PINEDA

10 February 1994. FMLN sympathizer. A group of eight armed men arrived in a van at his house, situated in the municipality of San Pedro, Sonsonate. Three of them entered the house and fired point-blank at the victim's head. It is reported that the operation was well organized, with a well-defined allocation of roles among the criminals.

FRANCISCO SALAZAR PEREZ
MARIO CARPIO PALMA

18 February 1994. A group of six armed men wearing camouflage uniforms arrived at the hamlet of Masacuba, Cutumay-Camones canton, municipality of Santa Ana, and simultaneously carried off the victims, who lived in different houses. The attackers knew the addresses of the victims precisely. The latter knew each other and had served two years in the Santa Ana penitentiary for theft. The reported facts indicate that the motives in this case possibly involve acts of "social cleansing".

ANDRES HUMBERTO VAQUERANO

20 February 1994. The victim was commander of the civil defence unit in San Isidro, San Vicente. He was murdered by two men armed with M-16s who were waiting for him to emerge from his house. According to the persons who testified, there was no motive on the part of the murderers other than the elimination of the victim, for which reason they link the crime to Vaquerano's earlier activities. The case is under investigation by the court of first instance of Sensuntepeque (case No. 29/94); however, no light has been shed on the identity of the assassins to date.

INTIMIDATION AND DEATH THREATS

GUILLERMO ANTONIO QUIJANO

March 1993. The victim, chief of the personal security staff of Rubén Zamora, leftist coalition candidate for president in the last elections, was followed during the first days of March by a red Suzuki motorcycle with temporary plates 16624, while proceeding in his private car from his home to the old office of Convergencia Democrática in San Salvador. When the National Police was consulted concerning this event, it was stated that the motorcycle belonged to that police corps and that those riding on it were National Police agents who were performing "administrative tasks". On 10 March 1993, while three unknown persons were keeping the victim's home under surveillance, two suspicious telephone calls were received in the offices of Convergencia Democrática, in one of which it was announced that the "Comité Cívico Patriótico" had killed Deputy Zamora's security chief. On 11 March 1993 the victim's vehicle, driven by his wife, was followed, also by a red motorcycle, on which two strangers were riding. On 24 March 1993 a telephone call was received at the victim's home, threatening him with death if he did not give up his work. That threat was also made in the name of the "Comité Cívico Patriótico".

ALIRIO MONTES LOPEZ

9 March 1993. The victim, a member of the political committee of FPL in Ilopango and FMLN candidate for mayor of that locality, was walking along the motorway under construction between Soyapango and Ilopango when a vehicle with privacy-glass windows tried to run him down. Montes escaped being run over and crossed the motorway, seeking refuge in the other lane. The victim was unable to provide any further particulars concerning the vehicle, owing to the darkness that prevailed at the time of the incident. At 9 a.m. on Saturday, 13 March 1993, Montes noticed on emerging from his home that a few metres from the house there was a vehicle of the pick-up type with a camper, grey in colour, with privacy-glass windows and without number-plates. Suddenly, one of the windows was lowered and a person addressed him from inside the vehicle, threatening him with death if he did not stop organizing the community's inhabitants. The same threats were also directed at three other persons who held posts in the Ilcpango FMLN: Juan José Flores (FPL), Daniel García (FPL) and Julio Someta (Resistencia Nacional - RN). Montes noticed the presence inside the vehicle of two other armed persons who were wearing civilian dress (jackets and ties). After the threats, the vehicle started up and left.

DEATH THREATS TO ASTTEL EXECUTIVES

12 March 1993. The executive committee of ASTTEL reported that at 8.15 a.m. on the morning of 12 March 1993, six heavily armed individuals in civilian dress arrived at the headquarters of their trade union, situated in the Fátima building, 8 Av. Norte and 3 Calle Oriente, San Salvador, and addressed the secretary in a threatening tone, asking to see a member of the union. The secretary told them that no one was there. The individuals then said that they would return later to "kill them all". The said persons remained in the building for a period of 10 minutes, after which they boarded a vehicle with privacy-glass windows. Subsequently three persons in succession, with no apparent connection between them, came to the door and looked in without asking for anything. Later, two persons who arrived together tried to enter, telling the secretary in insulting terms that they wanted to see the members of the executive committee, but at no time displaying any weapons. The secretary did not answer and they insisted that they would return later in order to kill them all. Immediately thereafter, they descended the stairs and remained outside the premises for a period of 10 minutes, until a red vehicle with privacy-glass windows appeared, in which they left.

On the day after the incident, Colonel Avilés, Manager of ANTEL, visited the union headquarters, showing the trade-unionists his concern over what had happened. ASTTEL has on a number of occasions denounced a member of the ANTEL guard corps who has repeated at meetings that the guards should punish the union's leaders.

LEONARDO HIDALGO

21 May 1993. The victim is Secretary-General of the Movimiento Comunal Salvadoreño (MCS) and a member of the municipal executive committee of the Frente Farabundo Martí para la Liberación Nacional in Ilopango. On a number of occasions during the month of May he received anonymous telephone calls at the office of the Movimiento Comunal Salvadoreño, threatening him with death. In addition, his private home has been kept under observation by unknown persons driving a variety of vehicles. It must be pointed out that similar violations have been committed against other members of the Frente Farabundo Martí para la Liberación Nacional of Ilopango, including the attempt on the life of Alirio Montes López.

LUIS ABRAHAM VILLALTA

25 May 1993. Former ATMOP leader and president of the community of San Luis Cuscatancingo. Two armed men arrived in the community of San Luis Cuscatancingo and asked for the victim and for another person nicknamed "El Negro Luis". The latter was murdered by four men in civilian dress in Mejicanos on 31 May 1993. The threats are allegedly connected with the victim's community activities. During that year he had apparently obtained funding for a project involving street paving and a water drain. It appears that the municipal authority wanted to divert the project to another residential area (colonia), apparently because in the Colonia San Luis "the FMLN had already got in". On 31 May 1993 strangers tried to enter his home.

MEDARDO ALFREDO QUIJANO ARRIOLA
JOSE ALBERTO ORELLANA

17 August 1993. The victims are former urban commandos of the Ejército Revolucionario del Pueblo (ERP) (FMLN) in Santo Tomás, involved in logistic work. At present they are health-care workers for the Asociación Salvadoreña de Promotores de Salud (ASPS). They were allegedly captured in San Salvador by a man armed with a pistol, who forced them to enter a vehicle and place themselves face downward. Inside the vehicle they were tied and blindfolded. While the vehicle was driving, they were questioned regarding ASPS, its members and its activities. After a period of vague duration they arrived at a house, in which the questioning continued. They were neither beaten nor mistreated, and in the early morning they were taken to a highway, where they were left after their blindfolds were removed. The only thing taken from them was their ASPS card.

JOSE TRANSITO ALAS REGALADO

1 September 1993. Member of the Social Subcommittee of the National Commission for the Consolidation of Peace (COPAZ), Secretary of the Economic-Social Commission of FMLN for the municipality of San Marcos and member of FPL. On 1 September 1993 the victim, on arriving at the home of his mother-in-law, in the municipality of San Marcos, observed inscriptions of an insulting and threatening character painted on the footpath of the house. The inscriptions were accompanied by a drawing of a skull and crossbones. On 3 September 1993, the victim observed two armed strangers who remained in front of his Soyapango home approximately 15 minutes. In mid-July, a brown Nissan Patrol vehicle with a beige stripe and privacy-glass windows stopped to observe his home on a number of occasions.

JOSE FRANCISCO VALDEZ

1 September 1993. The victim, director of the National Institute of Santa Ana, received a telephone threat that he should decide that the Institute would take part in the civic parade commemorating national independence (the decision not to participate had been taken by the director because of the expenses that would be entailed for the students' families). The telephone call culminated in a direct threat against the life of Mr. Valdez.

COMMUNIST PARTY-FMLN OF SANTA TECLA

3 September 1993. In the early morning hours, a number of individuals entered the headquarters of the Communist Party of Santa Tecla, La Libertad, destroying documents and leaving a handwritten message containing a death threat.

ROSER VILA ROCA

6 September 1993. Coordinator of the Training and Pedagogic Resource Centre of the University of El Salvador. Three armed individuals with their faces uncovered entered the said Centre, stole a number of objects and money and threatened the employees, warning them that they should discontinue their "support for FMLN".

ISRAEL AGUILAR PAYES

September 1993. The victim is the brother of Adolfo Aguilar, a former political prisoner. He has been followed by unknown persons since his brother was in prison. Israel Aguilar participated actively in the campaign to obtain his brother's release and states that for that reason he is mentioned in a threatening letter signed by the "Ejército Salvadoreño Anticomunista". He reports that whoever formulated the threats must be in possession of very good information, having access to State institutions, such as Migrations, and the judicial and penitentiary system, for only there could they obtain the facts mentioned in their communication. As stated in the file kept by ONUSAL, the threats were directed at his brother Adolfo Aguilar Payés. In the said threats, sent by the Ejército Secreto Anticomunista (ESA), information is given on the number of times that his brother went to Guatemala and the related dates, in addition to data on his relatives.

JOSE MADECAEL PERLA JIMENEZ

14 September 1993. The victim is a member of the National Council of the Judiciary and a professor at the University of El Salvador and his residence is in Ciudad Merliot, La Libertad. The messenger of the Faculty of Law of the University of El Salvador received a telephone call stating that the call was from the Lawyers' Association and its purpose was to tell Dr. Perla that "they knew that he was on the side of the leadership of FMLN and they gave him three days to leave the country". On 16 September 1993 another call was received on behalf of the "Maximiliano Hernández Martínez" squad, setting him a time-limit of two days in which to leave the country.

DEATH THREATS TO TRADE-UNIONISTS

September 1993. In the context of the work stoppage in the health-care sector, three trade-unionists reportedly received death threats via leaflets signed by the "Comité Político Social del Frente Revolucionario Salvadoreño". The missives were sent to the private homes of Rutilio Hernández (ATMOP), Carlos Ventura (Secretary-General of ATMOP) and Pedro Guevara Chicas (affiliated with AMPAS).

MEMBERS OF THE EL ESPINO COOPERATIVE

15 October 1993. Eight men entered the offices of the cooperative at approximately 2.45 a.m. and disarmed the night watchmen. The strangers wore olive-green uniforms and hoods. Three of them were armed with M-16 rifles, and the others bore small arms. They did not take anything from the premises. They asked for the president of the cooperative and made verbal threats, warning the members of the cooperative that they must abandon the land and depart from the

area and threatening to return and carry out acts of violence, should the members fail to leave. In order to arrive at the location, the individuals had to pass alongside the wall of the Military School, both coming and going, yet they were not detected by the sentinels despite the fact that the attackers fired two shots before leaving.

JOSE MARIA MENDEZ

22 October 1993. The victim, a jurist involved in defending human rights, received written threats demanding that he should convince Dr. Francisco Lima to withdraw his vice-presidential candidacy for the leftist coalition in the most recent national elections. He was given a deadline expiring 15 December 1992, with threats that his wife and another family member would be abducted. The threats were signed EM (death squad) "General Maximiliano Hernández Martínez".

JOSE ANTONIO CORNEJO

11 November 1993. Active member of FPL (FMLN), preliminary candidate for mayor of San Juan Nonualco. A written death threat was found, signed by the Ejército Secreto Anticomunista (ESA), warning him to withdraw his candidacy.

LUIS ENRIQUE LOPEZ DIAZ

11 November 1993. The victim, an active member of PC-FMLN of San Marcos, San Salvador, has been the target of repeated telephone threats announcing that he is going to be killed. The voice (always the same) says that it is calling on behalf of the "death squads" or the "law squads". A month before those calls, a person from the locality who is recognized as "chief of mobs" allegedly told him that there had been provided weapons and a list on which the victim's name appeared for execution. The same person reportedly made López Díaz a "counterproposal" in order to make the latter "pay more" to him.

DANILO ARNOLDO ORELLANA GODINEZ

November 1993. The victim is the judge of the Third Criminal Court of Santa Ana. The threats relate to a trial being conducted in that court. A former vice-governor has been under arrest for various crimes since September. During a proceeding involving the taking of the testimony of the accused, and in the presence of a number of witnesses, the accused publicly threatened the judge and the clerk that he would take "actions" against them if he were not released. Subsequently, pressure of various types was applied on the court by former members of the Supreme Court of Justice and other members of the Judicial Organ with a view to the resolution of the situation of the accused.

GILBERTO ANGULO MONTERROSA

20 January 1994. The victim is a retired teacher connected with ANDES. He received a telephone call at 5.30 p.m. on 20 January 1994 in which an individual who said he belonged to the "Ejército Anticomunista" gave him a fortnight to leave the country, otherwise action would be taken against him and his family. At 9.45 a.m. on 25 January 1994 his wife received another call in which she was told that she had one week left in which to leave.

OSCAR FERNANDO PACHECO
FRANCISCO ANTONIO VAZQUEZ DIAZ
MARTA ALICIA MEJIA DE HERRERA
LUIS FRANCISCO GAITAN VELAZQUEZ

25 April 1994. Mrs. Mejía de Herrera is Secretary-General of ANDES 21 de Junio (Asociación Nacional de Educadores de El Salvador) of San Juan Opico. She is also a member of FMLN and was a candidate for mayor of that locality. She received a letter containing threats against her and three other teachers, sent by post to her home on 25 April 1994 and signed by the "Brigada Maximiliano Hernández Martínez". The characteristics of the note indicate that its authors have precise knowledge concerning the victims. Francisco Antonio Vázquez Díaz belongs to the section board of directors of ANDES 21 and is an active member of FMLN. He received a threatening letter on 26 April 1994. Oscar Fernando Pacheco is Secretary-General of the departmental board of directors of ANDES 21 and a member of FMLN. All four are teachers at the "Castro Valladares" urban mixed school.

Annex 5

THREATS MADE PUBLIC
16 January 1992 to 10 July 1994

DATE	GROUP	TARGET	THEME	MEDIUM
09/04/92	Frente Anticomunista Salvadoreño (FAS)	Minister of Defence	"Traitor"	Telephone
14/04/92	FAS	FENASTRAS leaders		Telephone
21/04/92	?	Luis Gálvez, UDN		Telephone
22/04/92	?	Victor Valle, MNR		Telephone
16/06/92	Death Squad #4	Criminals		Telephone
06/07/92	FAS	Radio Farabundo Martí		Telephone
07/09/92	Frente Revolucionario Salvadoreño (FRS)	FMLN/Government	"Plot"	Communiqué
22/10/92	Comando Martínez foreigners, ONUSAL	FMLN leaders, journalists,	Against Accords	
23/10/92	Commandos of the Brigada Maximiliano Hernández Martínez (BMHM)	FMLN leaders, ONUSAL, journalists		Communiqué
29/10/92	?	María Julia Hernández	photograph	Leaflet with
07/11/92	BMHM Comandos de la Justicia Social	Mobs	IVA Crime	Communiqué
20/11/92	BMHM	Judge Felipe Gómez Argueta		?
04/01/93	FRS	FMLN/Government	"Plot"	Communiqué
09/01/93	FRS El Salvador, leaders	FMLN/Armed forces of Ad Hoc Commission	Report of the	Communiqué
12/01/93	Frente de Rescate Nacional (FRN)	Ad Hoc Commission	"Treason"	Communiqué
08/02/93	Ejército Secreto Anticomunista (ESA)	Adolfo Aguilar Payés, former political prisoner	72 hours to leave the country	Sheet of paper
07/03/93	FRS	Commission on the Truth report, protection of witnesses	Circulation of the	Communiqué
23/03/93	ESA, "Comisión de Justicia"	Commission on the Truth	Report	Communiqué
20/05/93	FRS killing a crippled person during a demonstration	Revenge on National Police for		Communiqué
03/07/93	FRS	High Command/Tandona	Leave the country	Communiqué
12/08/93	FRS	United States troops	"Fuertes Caminos"	Communiqué
01/09/93	FRS	Channel 12 and Radio YSU broadcasting communiqués	For not	Telephone
?/09/93?	? Pleitéz Lemus	Judge Francisco Arturo assassination	Days before	Letter
13/09/93	ESA José Maria Méndez	Adolfo Aguilar Payés,		Letter
25/09/93	MHMB Perla Jiménez, UES	René Madecadel,		Telephone
25/09/93	The Angels of Death	Criminals, Chalchuapa	Criminality	Leaflets
18/10/93	MHMB	José María Méndez Coalition candidate	Francisco Lima,	Letter
28/10/93	?	FMLN leaders and Government	victims	Two lists of

01/11/93	Messenger of Death	Antonio Velado Rodas, journalist		Telephone
02/11/93	FRS of Escalón, etc.	Private enterprise, residents murders	Reprisals for	Telephone
03/11/93	"Fernando" "ex FMLN/ERP"	Enterprises that finance squads murders	Reprisals for	Telephone
13/11/93	ESA	Mario Cortez San Juan Nonualco	FMLN candidate,	Letter
26/11/93	MHMB	José María Méndez	Francisco Lima	Letter
02/12/93	Organization: MHM Contra la Delincuencia	Crime	San Miguel	Leaflets
25/02/94	Ejército Anti-comunista MHM	FMLN leader in Guazapa		Letter
08/03/94	?	Luis Dominguez Parada candidacy	Withdraw	?
28/04/94	MHMB	ANDES leaders, La Libertad		Letter
06/05/94	FRS	ERP leaders		Communiqué
08/06/94	Comandos Domingo Monterrosa Juan Gerónimo Castillo, Jesuits, etc.	Carlos Mauricio Molino Fonseca,		By telephone, to DPA Press Agency
08/06/94	? de Escalón	Deputy Carmen Elena Calderón		Telephone
08/06/94	?	President Armando Calderón Sol		Telephone
12/06/94	Comandos Domingo Monterrosa and Bishop Rosa Chávez	Msgr. Arturo Rivera Damas		Telephone
06/07/94	?	Ministry of Justice employees	Strike	Telephone
07/07/94	FRS	Deputies	Supreme Court	Communiqué

Annex 6

FRAME OF REFERENCE FOR AN ADEQUATE INVESTIGATION PROCESS

In the light of the experience gathered during the execution of its mandate, the Joint Group feels that it can suggest a frame of reference that takes into account the necessary conditions for carrying out an effective investigation of politically motivated illegal armed groups, based on the characteristics of the phenomenon as it exists in El Salvador today. Under the mandate given to the Joint Group, the purpose was "to assist the Government in applying the recommendation of the Commission on the Truth with respect to carrying out an in-depth investigation into illegal armed groups."

The suggestions made must be taken in relation to the recommendations contained in the preceding sections, in the sense that they can contribute toward their implementation.

1. The investigation of any clandestine armed structure whose action involves political motives is an extremely complex task due to its very nature, for it necessarily entails involvement in intrinsically sensitive areas of the life of any society.

In El Salvador, the job is even more difficult, due to the fact that it means attacking a phenomenon having special characteristics:

(a) The country's past teems with clandestine criminal organizations having ties with the political, economic and military authorities - organizations which committed grave violations of human rights that have gone unpunished;

(b) At present, there exists evidence to back up the assumption that illicit organizations are in operation. They have the support and participation of persons connected with different social levels, even the State. Those organizations involve various subjects and different levels of responsibility, both in the sphere of planning and in that of actual execution;

(c) Recourse to the use of violence for political purposes appears at present to exhibit multiple modalities. It may operate through organizations of common criminals or juvenile delinquents, thus rendering it more difficult to determine the perpetrators, and even more so, the masterminds behind them;

(d) The persons who make up those structures, at all levels, may have belonged to the older criminal organizations. They acted with impunity in the past and in some cases the victimized population knows them. The situation of fear and terror created by these circumstances seriously hampers investigation, especially when it comes to obtaining the testimony of witnesses. The problem is even greater when the perpetrators have organic links to the State.

2. Within this framework, the Joint Group has accomplished its mission. In the light of that task, the results obtained and the experience accumulated, the Group can suggest a general outline for a more far-reaching operation.

Such an operation should be taken up by Salvadorian society and its institutions as a great national theme, in order to uproot, once and for all, recourse to acts of violence to settle political conflicts.

The Joint Group states once again its deep conviction that the moment has come for the country to provide itself with permanent institutional mechanisms for that purpose, including in particular, but not limited to, a special unit within the Criminal Investigation Division of the new National Civil Police. The role of the community in backing it and supporting it with information and, on another level, the contribution of the international community, will be aimed at the investigation, trial and punishment of those responsible for those acts, which are an obstacle to the current process of peace and reconciliation.

Within this perspective, the Group calls attention to the following elements, which it considers essential for a proper system of long-term investigation of the phenomenon of politically motivated illegal armed groups in El Salvador:

2.1. The context of the investigation

An investigation of this nature requires a political atmosphere of determination to face up to and solve the problem of political violence.

This means, first and foremost, the involvement of:

- The Government of El Salvador, which is directly responsible for maintaining the legitimate monopoly on force. The existence of groups of the type mentioned seriously impair its legitimacy;

- The different organs of the State, in their specific functions;

- Professional and social political organizations, which must take on the commitment to fight those criminal structures, which can undermine them by eliminating or terrorizing their members;

- Non-governmental human rights organizations, such as agencies specializing in human rights and, consequently, indispensable and valuable counterparts within the investigation process;

- The international community, given the great threat that such illegal organizations pose to peace and civilized coexistence;

- The population that can be reached by the existing institutional framework through popular and mass information campaigns and through the promotion of local mechanisms of participation that support and strengthen the work of the new National Civil Police and the special unit whose creation is proposed here;

- The victims of acts of violence, in particular. The new investigative mechanism must gain their confidence, producing results that are translated into suitable punishment of the perpetrators. Such results must be widely published in the media.

2.2. Operative aspects

It is in this area that the new National Civil Police no doubt has one of its greatest challenges. The alternatives are grave and severe: If the proper measures are adopted at the right time - in other words, now - the way to the eradication of politically motivated illegal armed groups and the organized crime associated with them is open. In following that path, El Salvador would not only move on toward the consolidation of democracy and peace: it would also build a force of security and of law and order that would serve as a model for the American continent. If not, the way will be open to barbarity, "taking justice into one's one hands" and a spiral of violence whose effects, albeit with other modalities and origins, were suffered by the country in the not-too-distant past.

Within this perspective, a few operating guidelines may be of use: It is important not to work in isolated, rigidly defined areas. Every investigation must be structured to yield a main product and a number of sub-products. In this way, investigators would not need to devote themselves exclusively to one sector of the phenomenon; rather, information that is not strictly confidential might be examined in common, with a view to contextualizing general and particular work. The manner in which this entire process of investigation is conducted, top-down, is therefore crucial.

2.2.1. Thematic areas

(a) Previous history

Knowledge of the structures of the past constitutes an indispensable working material. The criminal phenomenon under examination does not come about by spontaneous generation. Those responsible for the crimes can easily consider that their criminal methods have not lost any of their validity in the country's current context.

A solid information base must be established and fed from investigations of concrete cases as yet unresolved administratively or judicially as well as from documentary sources, witnesses and informants.

(b) Culprits

This comprises both structures and individuals:

- Structures: These constitute perhaps the most complex aspect, for it is through them that the culprits are linked. It is possible to describe structures in terms of organization charts, without pointing to individuals, but the investigations must make it possible fully to identify and point out both those responsible and their functions within the structure.

  At the "macro" level, national maps must be elaborated, showing the territory and operations of criminal organizations, with a view to the establishment of any correlations. The investigation must have a sufficiently high profile to point, whenever appropriate, to the participation of agents or institutions of the State, as an important contribution to the democratization process.

- Individuals: Individual responsibility must be defined, either by virtue of the mere fact of belonging to such structures or in terms of

the concrete criminal acts in which individuals are involved. Their participation, moreover, must be investigated in terms of whether they are physical or intellectual perpetrators, joint perpetrators, accomplices or cover-up agents. Special attention must be paid to the State agents in charge of investigation and the administration of justice whenever their actions may give rise to or facilitate impunity for the perpetrators of such criminal acts.

(c) Victims and/or persons suffering losses

The work of investigation is above all a commitment to the victims or persons who suffered losses due to the crime, inasmuch as the climate of individual and social terror can be exorcised only through investigations and, where appropriate, suitable sanctions against the perpetrators. With a view to appropriate treatment of victims, account must be taken of the "Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power" (approved by the General Assembly of the United Nations on 29 November 1985 - Res. 40/34 - on the recommendation of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders). The Declaration recognizes the right of victims to be treated with respect for their dignity and to prompt reparation for the damage they have suffered. In consequence, it will be necessary to strengthen judicial and administrative mechanisms to enable such persons to obtain reparations, including reparations from the State where the aggressor is a public employee or official. It will also be necessary to guarantee their safety, the right to information, governmental or voluntary assistance and the training of officials and employees of the penal system so as to render them responsive to the needs of victims. The study of vulnerable or victimized sectors must be continuous. The results of investigations must be widely publicized in a language intelligible to all sectors of society via the mass media.

2.2.2. Conduct of the work of investigation

The investigators must pool their capacities and specialized knowledge. Compartmentalization is necessary to protect both investigation and sources, but must not stand in the way of the exchange of information.

(a) Criminal investigation

Technical and police investigating capacity is indispensable for establishing the facts. The monitoring of technical tests is vital. From the police standpoint, monitoring of the entire chain of evidence, from the scene of the crime to the results of expert testing, is ideal.

The team of criminologists must be structured in such as way as to permit the systematic analysis and monitoring of the progress of the investigation. The possibility must be provided for investigators to travel to the scene of the crime under safe conditions.

Activity in this area is aimed primarily at identification, especially of the actual perpetrators.

(b) Investigation of motives

Investigation cannot stop with the perpetrators, who are generally only the last link in the criminal chain. It is essential to get to the masterminds and thus be able to delineate the structures.

It is crucial, therefore, to reach those who give the orders, those who pursue political aims and have the economic means to support the structures.

The investigating organ requires:

b.1. The introduction of express rules into Salvadorian legislation in order that, in the investigation of the crimes referred to in this report, no bank or tax secrecy or confidentiality will apply, so that, wherever reasonable evidence exists, the lifting of such restrictions may be requested ex officio, with the assurance that the information obtained will be used only in connection with the investigation. The banking and financial system must respond precisely to requests addressed to it and permit technical studies of material evidence such as cheques or securities, for example. Here may be found the economic crux of the criminal structures, not in the banking system per se, but in its manipulation by criminal organizations. In addition, sanctions must be provided for cases in which persons intervene in the process of conversion of funds derived from the punishable acts dealt with in the investigation into other assets or the transfer of such funds to another country or any other means employed in the banking or financial system with the result that the origin of the funds is concealed.

b.2. Ready answers on the part of the State and permission to verify them "on site". Answers, moreover, must be confined, point by point, to what is requested. A public official who obstructs inquiries must be investigated disciplinarily and, where appropriate, punished.

(c) Analysis of investigations

(1) The analysis must be conducted case by case and must include the following parts:

- Facts, with an evaluation of the evidence obtained and presentation of:

  . the modus operandi
  . the political context in which the crime takes place
  . the profile of the victim.

- The persons responsible for the crime, their profile and their structures.

- A thorough examination of any cover-up activities that might facilitate impunity in respect of the crime and hinder investigation.

(2) In addition, overall analyses must be done with a view to setting concrete cases within their proper context, with the ultimate objective of fully identifying any national or regional structures that may exist.

The global analysis must make it possible to determine the criminal plans of organizations with a view to preventing the related crimes and

providing protection to the social sectors affected. There must be an available capacity to identify plans to victimize political, religious, community and union organizations and "social cleansing" plans against marginal segments of society. Here it is important to analyse systematically all threats regarding which there is evidence that they originated in criminal organizations.

2.3. Infrastructure

Any infrastructure in the service of the team of investigators must operate with a view fundamentally to obtaining results in the investigations.

2.3.1. A reliable computer network must be set up, accessible to investigators exclusively. No administrative personnel or persons assigned to any other type of investigation must have access to it. A security study must be obtained on the technical-assistance company in charge of the maintenance of the system, and a specialist in computer science and documentation must be assigned specifically to the investigation equipment.

2.3.2. In addition, a program must be set up which makes it possible to classify information on the basis of levels of reliability and to do cross-checking in order to draw inferences. The design of this data base or program must show the highest level of sophistication from the very start of the investigations, being elaborated by an experienced specialist in consultation with the investigators.

2.3.3. A single central archive must be created, subject to the following requirements:

(a) Easy-to-consult coded classification in connection with the computer system. The archive is the material support of the investigations and of the information entered in the computer program: ease of consultation is indispensable for screening information;

(b) Sorting must be done by the investigators, with rigorous criteria regarding material, which must be used and then returned to its place. Investigators must have knowledge of all new material that reaches the archive. The archive shall be subject to extreme security conditions.

2.4. Confidentiality

The success of work as delicate as this entails effective confidentiality to protect the investigation, the sources and the investigators themselves.

For this, the following aspects are essential:

(a) Selection of staff with lofty ethical and human values; development and training of that staff; compartmentalization of information.

(b) Selection of facilities in which activity within the building is not perceivable from outside (for example, contact of investigators with victims or witnesses) and in which restricted areas can be set apart (for example, archives and research areas) for the exclusive use of investigators.

(c) Adequate security measures: The investigation must comprise a programme for the protection of witnesses that includes protection of their identity, their travel to safe places and possibly their leaving the country.

TABLE OF CONTENTS

		Page
I.	INTRODUCTION	7
1.	General background of the formation and action of the Joint Group	7
	A. Background and recommendations prior to the formation of the Joint Group	7
	(a) Peace Accords	7
	(b) The Commission on the Truth	7
	B. Resurgence of violence in 1993	8
2.	Composition and mandate of the Joint Group for the investigation of politically motivated illegal armed groups	9
	A. Formation and mandate of the the Joint Group	9
	B. Nature, scope and limitations of the investigation by the Joint Group	11
	C. Duration and areas of investigation	12
3.	Methodology for investigating politically motivated illegal armed groups	13
II.	BACKGROUND	14
1.	Synopsis of the information analysed by the Joint Group	14
	1.1. Introduction	14
	1.2. Brief description of some aspects of the activities of politically motivated illegal armed groups in El Salvador	15
	1.3. Financing	16
	1.4. Organization	17
	1.5. Typology	18
III.	APPROACH TO THE PHENOMENON INVESTIGATED BY THE JOINT GROUP	22
1.	Preliminary characterization	22
2.	Change in the structures of the past	22
3.	Organized crime, common crime and political violence	23
4.	Law and order and the responsibility of the state	26
5.	Atomization or regionalization of political violence	27
6.	Victimology	27

TABLE OF CONTENTS (continued)

		Page
IV.	EVIDENCE OF THE EXISTENCE OF POLITICALLY MOTIVATED ILLEGAL ARMED GROUPS DURING THE PERIOD COVERED BY THE MANDATE OF THE JOINT GROUP	29
1.	Models for the investigation process	29
	1.1. Cases	29
	1.2. Structures	31
2.	Illustrative situations and cases	33
	Typical case: Summary execution of Juan Adalberto Ayala Rivas, member of the Military Intelligence Battalion, Department of San Salvador	33
	Typical case: Collective summary execution, Primavera canton, Department of Santa Ana - Illegal intelligence activities by the armed forces	36
	Typical case: Attack against Deputy María Marta Concepción Valladares (Nidia Díaz), Department of San Salvador	39
	Typical case: Second attack against Deputy María Marta Concepción Valladares (Nidia Díaz), Department of San Salvador	44
	Typical case: Situation detected in the Department of Morazán	48
	Typical case: Situation detected in the Department of Usulután	50
	Typical case: Structure detected in the Department of San Miguel	52
	Typical case: The situation in the Guazapa area	54
V.	CONCLUSIONS AND RECOMMENDATIONS	56
	A. Considerations regarding the execution of the mandate	56
	B. Conclusions based on the results of the investigations	57
	C. Recommendations	59
ANNEXES		65